

From: [REDACTED]  
To: Commander, Navy Personnel Command

4 November 2016

Subj: COMMAND INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT AT  
NAVAL CONSOLIDATED BRIG CHESAPEAKE

- Encl: (1) Appointing order letter from Commander, Navy Personnel Command dtd 7 Oct 2016  
(2) Affidavit of [REDACTED] USN  
(3) Witness Statement Summary of [REDACTED], USN  
(4) Witness Statement Summary of [REDACTED]  
(5) Witness Statement Summary of [REDACTED], USN  
(6) Affidavit of [REDACTED] USN  
(7) DD Form 510, tracking number 16108 (2 pages) filed by [REDACTED]  
(8) DD Form 2719 tracking number 16108 filed by Brig CO  
(9) Witness Statement Summary of [REDACTED] USMC  
(10) Witness Statement Summary of [REDACTED]  
(11) Witness Statement Summary of [REDACTED] USMC  
(12) Witness Statement Summary of [REDACTED] USAF  
(13) DD Form 2714 Prisoner Disciplinary Report and documents 20160605 and 20160419  
(14) Witness Statement Summary of [REDACTED]  
(15) Time and Temperature Grid for recreation call times  
(16) DD Form 510, tracking number J-793.  
(17) Memo from [REDACTED] dtd 20 Oct 16  
(18) Witness Statement Summary of [REDACTED] USN  
(19) Witness Statement Summary of [REDACTED] USN  
(20) Affidavit of [REDACTED] USMC (retired)  
(21) Witness Statement Summary of [REDACTED] USN  
(22) Email from prisoner [REDACTED] to [REDACTED]  
(23) Witness Statement Summary of [REDACTED] USN  
(24) Four Medication/Treatment/Light Duty chits for prisoner [REDACTED]  
(25) DD Form 510s HW-133, J-33, 15320, J-861, J-855, J-796, J-779, J-768, J-752, J-736  
(26) NCIS Report 28Jun16-NFPV-0060-8SMA/C  
(27) Affidavit of [REDACTED] USN  
(28) Affidavit of [REDACTED] USCG  
(29) Witness Statement Summary of [REDACTED] USMC  
(30) Witness Statement Summary of [REDACTED] USN

Preliminary Statement

1. I completed a thorough investigation of the facts and circumstances as directed in enclosure (1). Each numbered allegation made and provided in enclosure (1) was broken down into its own findings of fact, opinions and recommendations. The bottom line up front is that the allegations were found to be unsubstantiated. The Naval Consolidated Brig Chesapeake guard "set" (a term the Brig uses to identify a group of guards who generally work together on a given shift) that was inappropriately referred to by the prisoners as "the goon squad" was following Brig procedures and regulations within a reasonable and acceptable level in its interaction and conduct toward the

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prisoners. The allegations of inappropriate conduct by the guards toward the prisoners, as shown by the evidence presented and by any reasonable logical conclusion, are without merit.

Allegation 1

Allegation 1: That [REDACTED] reported to [REDACTED] that they had their cells tossed and suffered reprisal in the form of having their cells tossed in response to that report.

Findings of Fact

1. This allegation that their cells were "tossed" (prisoner slang for a cell search) in retaliation for reporting to [REDACTED] that the prisoners had their cells tossed was made specifically by [REDACTED], USN in paragraph 8 of enclosure (2).
2. [REDACTED] remembers a time when prisoners [REDACTED] came to him as a group to complain about their perception that their cells were being "tossed" (a prisoner slang term for being searched) as retaliation or as being singled out by [REDACTED] for cell searches. Enclosure (3)
3. [REDACTED] spoke to [REDACTED] about these allegations. Enclosure (3)
4. [REDACTED] found out from [REDACTED] that the prisoners listed above were "rigging" the line so that they could sit together at chow. This would explain why these cells were searched and [REDACTED] found nothing abusive about the cell searches complained about. Enclosure (3)
5. Many of the more senior prisoners do not like to be told what to do by the junior Sailors and Marines who make up the guard sets. Enclosure (3)
6. Guard Set 1, which is mostly the group the prisoners identified in their affidavits as the "goon squad," is a set that is a stickler for the rules of the brig. Enclosure (3)
7. Some of the guard sets are not as strict as Set 1. Enclosure (3)
8. [REDACTED] admitted in his interview that the senior prisoners were in fact rigging the chow line so he and the seniors could have meals together so they could have better conversations than they could with the junior prisoners. Enclosure (4)
9. [REDACTED] admitted in his interview that the Brig staff's breaking up the seniors all sitting together was following the rules. Enclosure (4)
10. Other sets did not enforce the Brig seating rules for chow like Set one did. Enclosure (4)
11. The senior prisoners, led by [REDACTED] would move to the front of the line, which allowed them first choices of the food and allowed them to sit together. Enclosure (5)

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12. When prisoners do not obey the rules, or act in an odd manner (such as trying to circumvent the seating assignments as in this instance), additional searches and attention are given to those prisoners to ensure they are not involved in other misconduct or trafficking prohibited items.  
Enclosure (5)

Opinions

1. The allegation that cell searches were performed in retaliation for reporting cell searches or for any other reason is uncorroborated either by any available records or any of the staff. [REDACTED] said that none of these prisoners listed was targeted for search.
2. [REDACTED] and the others listed were part of a group who [REDACTED] admitted violated the rules for seating at chow. [REDACTED] was upset that some guard sets allowed the senior prisoners to sit together while the set in question (the so-called "goon squad") made the prisoners follow the rules for seating at chow by going in the order set out under the Brig rules. [REDACTED] admission that the senior prisoners were sitting together contrary to the rules for how prisoners lined up to eat is compelling evidence that the suspicious behavior would put them under more scrutiny by guards who were in fact enforcing the rules. These senior prisoners were going to the front of the line, which allowed them first choices of the food and allowed them to sit together. Set 1, led by [REDACTED] properly corrected the rule-breaking behavior of this group. By consistently breaking the rules, this group of prisoners rightly came under additional scrutiny.
3. It is completely reasonable for prisoners who do not obey the rules, or act in an odd manner (such as trying to circumvent the seating assignments as in this instance), to have additional searches of cells or their persons.
4. Keeping prisoners in random seating arrangements makes perfect operational security sense. This inhibits them from making plans for contraband trafficking or even escape, and it keeps the first choice of food fair for all.
5. None of the cell searches complained of amounted to any type of reprisal for reporting on searches.
6. This allegation is unsubstantiated.

Recommendations

1. I recommend that the Brig place emphasis with the staff that they all must enforce the rules, such as how the prisoners go to chow and where they sit. If there are guard sets that are being lenient on the rules, then those guard sets should be corrected by the Brig leadership.

Allegation 2

Allegation 2: That NAVCONBRIG staff stole a notebook and papers containing attorney-client privileged information from [REDACTED]

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Findings of Facts

1. [REDACTED] complained that attorney client documents were taken from his cell during a cell search in June 2016 in enclosure (6).
2. [REDACTED] never identified these documents as attorney-client information in his filed DoD Form 510 complaint filed on 6 June 2016. Enclosure (7)
3. [REDACTED] did not complain officially about any attorney-client documents taken at the time he complained about the missing phone numbers. Enclosure (6)
4. [REDACTED] did complain that a list of family phone numbers was taken. Enclosure (6) and (7)
5. [REDACTED] had contraband in the form of blank bank checks in his cell that was discovered during the complained about search in June 2016. Enclosure (7)
6. The Brig Commanding Officer, [REDACTED] USN, responded to [REDACTED] complaint and found no such missing document with phone numbers from a search that had yielded the contraband. Enclosure (8)

Opinions

1. This claim is completely without merit. [REDACTED] was obviously aware of how to file DD Form 510s as he did when he alleged his family phone numbers were taken. The only items taken into custody by Brig staff in this matter was the contraband found in his cell in the form of blank bank checks. [REDACTED] did not complain at the time about anything missing from his cell that was attorney-client material until he filed this motion.
2. The undated affidavit filed by [REDACTED] was not provided until four months after the alleged legal documents were allegedly missing in June 2016. [REDACTED] admits that he only officially complained in a DD Form 510 about only the document with phone numbers missing.
3. There is no proof that any such attorney/client documents that [REDACTED] complained of ever existed, and if they did in fact exist, that they were taken by Brig staff.
4. This claim by [REDACTED] is without merit.

Recommendations

1. There are no specific recommendations concerning this allegation as it is unsubstantiated.

Allegation 3

Allegation 3: That, in response to his request to have his cell door opened to retrieve an item, [REDACTED] verbally assaulted [REDACTED] screaming "I'm not your f\*ing door boy. If you want me to open your door, you better say please!" When [REDACTED]

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██████████ responded "but I just want my room opened," ██████████ immediately sent him to disciplinary segregation. At the resultant Disciplinary Review Board, ██████████ was called as a witness and told by the board to only provide facts that favored ██████████ version of events.

Findings of Facts

1. This incident listed in the allegation has two parts: first, the incident and second the allegation of what occurred at the disciplinary review board.
2. The version of events from ██████████ appears in enclosure (6). ██████████ makes reference to this event in enclosure (2) and enclosure (4). ██████████ essentially states he was punished for no reason.
3. ██████████ USMC, one of the Brig guards, disputes the version of events as stated by ██████████ and ██████████. Enclosure (9). ██████████ states essentially that ██████████ was rude, and impatient, and finally ██████████ resorted to outright disrespect that was in violation of Brig rules and policy and wrote up ██████████ for this behavior.
4. ██████████ admits that he said the word "fuck" in the final exchanges with then ██████████ out of frustration with ██████████ increasingly agitated state, but ██████████ disputes that he said: "I'm not your fucking door boy." Enclosure (9)
5. ██████████ was the Brig staff member who was authorized to let prisoners back into their cells during this period. The prisoners could be in the common area, but when they left their cells, the cells were locked. To return to their cells, they had to ask for the cell door to be opened. Enclosure (9)
6. ██████████ did add some steps to the procedure for prisoners to get back into their cells. These procedures were intended by ██████████ to add some civility to the process by having them ask "please open cell number" as opposed to simply yelling out a cell door number. Enclosure (9)
7. The senior enlisted leadership of the Brig learned of ██████████ adding steps to the routine, and counseled him to not make adjustments to normal routine. Enclosure (10)
8. The change in procedure instituted by ██████████ was taken into consideration and the disciplinary review board (DRB) punishment was adjusted for then ██████████. The slight change in procedure did not exonerate ██████████ for his outburst and disrespect. Enclosure (10)
9. ██████████ did in fact clap his hands in a loud manner as witnessed by ██████████. Enclosure (4)
10. The DRB members consisting of ██████████ and ██████████ each denied they said or tried to influence ██████████ in any manner in giving testimony. Enclosures (10), (11) (12) and (13)

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11 [REDACTED] gave opposite statements on the issue of DRB trying to influence him in his affidavit and in his witness statement. Enclosures (2) and (4) [REDACTED] denied to me in his interview that anyone tried to influence his testimony during the DRB.

Opinions

1. There is a discrepancy as to what occurred between evidence from an affidavit from [REDACTED], and the witness statement from [REDACTED].
2. [REDACTED] should not have used foul language, but this does not exonerate [REDACTED] for his actions for which he was appropriately punished at DRB.
2. [REDACTED] case was adjudicated fairly at the DRB and by Brig staff and a just and appropriate punishment was given to [REDACTED] for his behavior in this matter.
3. While [REDACTED] was counseled to simply have the prisoners go back to just standing and stating their cell numbers rather than asking "please," the new rules [REDACTED] imposed were not onerous or abusive.
4. [REDACTED] reaction and actions during this event were inappropriate and correctly resulted in some form of punishment as directed by the DRB system.
5. [REDACTED] contradicted his own affidavit during my interview of him at the Brig, and he concurred during his interview (contrary to his claim in his affidavit) with the DRB members that they in no way tried to influence him to provide facts that favored [REDACTED].
6. The two claims in this allegation are without merit.

Recommendations

1. I recommend counseling [REDACTED] on the use of appropriate language in these situations, and re-emphasize his previous counseling session by senior enlisted leadership that he is not to add any additional requirements or rules to the routine without checking with his superiors.

Allegation 4

Allegation 4: That, in the winter of 2015, a duty section consisting of [REDACTED]  
[REDACTED] would repeatedly send Pretrial Prisoners outside without coats or sweatshirts for an hour at a time when the weather was below forty degrees Fahrenheit.

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Findings of Facts

1. The listed guards in this allegation have no authority to "send prisoners outside" nor did they during any of the winter of 2015. Enclosures (3) and (5)
2. The Command Duty Officer decides whether prisoners go outside during recreation time, which is usually at 1745 to 1845 followed by approximately 20 minutes of group Physical Training (PT). Enclosure (3)
3. The outdoor recreation facility is large enough to contain a full soccer field along with a full paved tack for walking or jogging around it. There are multiple basketball courts as well as weight lifting universal machines that use body weight resistance on these grounds. Enclosure (14) and personal observation
4. The Brig staff monitors the weather each day, and the temperature is checked outside and online prior to prisoners going out to the outdoor recreation area, and the cutoff temperature for going outside is 40 degrees Fahrenheit. Enclosures (3) and (14)
5. There were no temperatures during the outdoor recreation times recorded below 40 degrees Fahrenheit during the months of October, November or December 2015. Enclosure (15)
6. There were approximately 20 days from January to March 2016 that recorded temperatures below 40 degrees, and a review of the Brig log book showed that each of the days where the temperature was below 40 degrees, the prisoners were not outside for recreation call. Enclosure (15)
6. Prisoners are required to come to the Brig with a full sea bag that includes Navy issued sweats. Enclosure (14)
7. A review of various DD Form 510s from the prisoners listed and others yielded only one filed grievance on 25 November 2015 about going out "when it's freezing outside... when some of us only have t-shirts" from prisoner [REDACTED] USN. Enclosure (16)
8. The DD Form 510 filed by [REDACTED] was resolved on 30 November 2016 as it appears on the face of the document that the first class petty officer who he addressed his grievance to helped him obtain sweats in his size from the NEX within the Brig. Enclosure (16)
9. [REDACTED] had asked his command to bring him the required hoodless Navy issued sweatshirt on 25 October 2015, as he stated in his DD Form 510, and the command did not bring it to him, but he did not request it on subsequent command visits. Enclosure (14)
10. The days were very mild leading up until about 24 November 2015, and even during the period that [REDACTED] complains about, the temperature did not fall below 40 degrees. Enclosure (15)
11. There were no more complaints filed after [REDACTED] appeared to receive his sweatshirt because the grievance was marked closed and no follow up grievances were filed. Enclosure (14) and (16)

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12. There are various affidavits filed by prisoners that claim that the prisoners were sent out in freezing or even subfreezing temperatures, but there were no other DD Form 510s other than the one previously mentioned by [REDACTED] where there were complaints for being sent outside in "freezing" temperatures. Enclosure (14)

Opinions

1. Based on historical temperature records for the area at the time of the recreation calls at the prison and Brig logs, the claims by these prisoners in their various affidavits are without merit. Prisoners were not made to go out in temperatures below 40 degrees by anyone at the Brig.
2. The method for prisoners to lodge a grievance through the use of a DD Form 510 works very well to resolve these types of issues like the cold weather gear missing from a sea bag as evidenced by [REDACTED] timely filing one and the timely resolution.
3. No prisoners were made to go out into temperatures below 40 degrees.
4. If prisoners have sea bags with the required gear, they will have Navy sweats that are adequate for the temperatures for which they must go outside (no less than 40 degrees) for the hour plus 20 minutes of PT.
5. Commands and the Brig should ensure that sea bags are full or are made full through inspection and if required the member should be ordered to purchase the items necessary for a full sea bag.
6. It is likely that since most days as set out in enclosure (15) are nice enough for an active prisoner to be out without sweats that a missing sweatshirt could be overlooked.
7. The claim that a duty section of guards was making the call on outdoor recreation is wholly without merit as they do not make that decision, only the CDO makes that call.

Recommendations

1. Enforce the Brig rules that instruct commands to ensure prisoners have all the gear on the Brig checklist for a full sea bag, and use inspections to ensure prisoners have full sea bags. If prisoners do not have a full sea bag, then ensure that they can order what they need through the Brig's NEX. This will ensure that all prisoners have the appropriate clothing for outside activity.
2. If a prisoner does not have a full sea bag, then the Brig should have procedures to provide short term solutions such as an extra sweatshirt or allow the prisoner to wear their NWUs or similar uniform instead of PT gear.

Allegation 5

Allegation 5: That the cell temperatures exceeded eighty degrees Fahrenheit in the summer of 2016, and Pretrial Prisoners were not permitted to de-blouse. This caused [REDACTED] to pass out from heatstroke while in disciplinary segregation.



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Findings of Facts

1. The Brig uses a geo-thermal heating and cooling system that draws cooler air from underground and recirculates it throughout the facility. Enclosure (14)
2. For some unknown reason, the underground air source had become warmer than normal causing the Brig spaces to be warmer than normal. Enclosure (14)
3. When the Brig cooling system was not operating correctly this past summer, the system contractors were called. The first solution was to get the system rebalanced. The original vendors who installed the system were no longer under contract, and the new contractors have not been as effective in running the system. The new contractors had spot cooled various places in the facility that caused other areas to heat up, and eventually this put the entire system out of balance. The Brig has contracted to "rebalance" the system. If this does not work, then a cooling tower is another solution that is being explored. This would be a new budget item, and it must go through NAVFAC. Enclosure (14)
4. When the air temperature inside was above the normal indoor of temperatures, the Brig installed misting fans and then large fans. Ice water coolers were added to the prisoner's common areas. Enclosure (14)
5. The highest recorded temperatures during the system being degraded were as follows:  
  
Kilo East/West 85 degrees on 31 Aug 2016  
Juliet /West 88 degrees on 27 Jul 2016  
Hotel/West 82.5 degrees on 28 Jul 2016  
Gulf/West 84 degrees on 27 Jul 2016  
Foxtrot/West 83.5 degrees on 28 Jul 2016  
Enclosure (14)
6. De-blousing is allowed for prisoners indoors at 80 degrees as set out in the Brig standing operating procedures as well as in the rules and regulation manual that all prisoners get briefed on when they enter the brig, and the prisoners are supposed to keep this manual for reference. Enclosure (14)
7. There were no contemporary reports or DD form 510s found complaining that during this period where the indoor temperatures exceeded 80 degrees indoors that prisoners were not allowed de-blousing. Enclosure (14)
8. [REDACTED] affidavit at paragraph 15 is the source of the complaint about the Brig being warm and the de-blousing rules. [REDACTED] is also the source of the allegation that [REDACTED] "passed out from heatstroke." Enclosure (2)
9. [REDACTED] admitted that he had no first-hand knowledge about [REDACTED] falling out from heat stroke. He admitted that it was all things he had heard about from other prisoners (hearsay). Enclosure (4)

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10. No prisoners at Naval Consolidated Brig Chesapeake suffered from any heat casualties.  
Enclosure (17)

11. [REDACTED] did not suffer a heat related injury. Enclosure (17)

Opinions

1. The Brig was warm inside this summer due to mechanical issues involving its cooling system, and the Brig took appropriate remedial measures to address the issues.
2. The recorded temperatures inside the Brig were sometimes hot enough to allow de-blousing by the prisoners.
3. The only complaint about the alleged denial for prisoners to de-blouse appears to have been [REDACTED] in his affidavit, and there were no contemporary complaints in the form of DD Form 510s. None of the other prisoners made a complaint about this issue in their affidavits.
4. Temperatures were taken on a regular basis by appropriate Brig staff, and along with the remedial measures, prisoners were allowed to de-blouse.
5. [REDACTED] affidavit is misleading concerning the allegations involving another prisoner passing out. [REDACTED] affidavit is written in such a way as to imply he had first-hand knowledge of a prisoner having "passed out from heatstroke." This is both misleading and inaccurate. No prisoners had heat-related injuries during the period that the air conditioner's performance was degraded.
6. This allegation is unsubstantiated.

Recommendations

1. There are no specific recommendations concerning this allegation.

Allegation 6

Allegation 6: That, in response to submitting DD510 forms, [REDACTED] was berated by a unit supervisor of the rank of E-7.

Findings of Facts

1. [REDACTED] complained in his affidavit that he was "yelled at" by an unnamed "supervising E-7" for filing DD Form 510 on behalf of an unnamed E-3. Enclosure (2).
2. [REDACTED] stated in my interview of him that the chief was [REDACTED]  
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3. [REDACTED] USN, serves on the Brig staff as [REDACTED]. He recalled telling a prisoner that pursuant to the rules and regulations book, that prisoners all have a copy of, that one prisoner cannot file DD Form 510s on behalf of other prisoners or be a spokesman for another prisoner. [REDACTED] denied that he yelled at prisoners. Enclosure (18)
4. [REDACTED] did not take any reprisal action against prisoners for filing of DD Form 510.

Opinions

1. [REDACTED] has mischaracterized the interaction with [REDACTED] by inferring that he had a right to file a DD Form 510 on behalf of another prisoner.
2. [REDACTED] explanation to [REDACTED] that he could not file on behalf of others was left out of [REDACTED] affidavit.
3. Based on the tone of my interview with [REDACTED] the over-dramatic way in which he attempted to describe this interaction, both in his affidavit and in his oral description of events, and the misleading way this was presented in the affidavit, leads me to believe [REDACTED] version of events.
4. This claim is without merit and is unsubstantiated.

Recommendations

1. There are no specific recommendations for this allegation.

Allegation 7

Allegation 7: That on his first day onboard NAVCONBRIG Chesapeake, the Commanding Officer, [REDACTED], stated "if there are guards who are strict and aggressive, those are the guards I'm going to promote. If there are guards who are gentle and nice, those are the ones I'm firing."

Findings of Facts

1. The Naval Consolidated Brig Chesapeake's Commanding Officer, [REDACTED] USN, denies he made such a statement alleged in paragraph 17 of enclosure 2. Enclosure (19)
2. [REDACTED] stated that any speech referred to in this allegation would have likely been during prisoner orientation, and he said that the allegation is an "egregiously gross mischaracterization and is patently false." Enclosure (19)
3. During my investigation, I asked nearly every guard or supervisor that I interviewed if they had ever heard the commanding officer say this, and none remember him making such a statement.

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1. The alleged statement cannot be corroborated. The version of the statement given by [REDACTED] is not even verbatim and is qualified with "said something to the effect of."
2. Based the qualification by [REDACTED] of what he thinks he heard and no other witnesses hearing such a statement during the orientation speech, coupled with the commanding officer's denial, it is my opinion that this was not said. Any misunderstanding seems to be only [REDACTED] interpretation, which is an incorrect one.

Recommendations

1. There are no recommendations specific to this allegation.

Allegation 8

Allegation 8: That from April to June 2016, post-trial prisoners were housed alongside pretrial prisoners in the Juliet housing unit.

Findings of Facts

1. Prisoners, both pre-trial and sentenced, are housed in the same general area in Juliet housing unit, but they each have their own cell, and the pretrial prisoners are on one floor and the sentenced prisoners are on the balcony floor above. In at least one instance a sentenced prisoner was in a cell on the same floor as pretrial prisoners because he needed an electrical outlet to run a medical device at night. Enclosure (14)
2. The Brig has an unoccupied section that is ready to house prisoners. Enclosure (14)
3. The prisoners co-mingle within the housing unit during free time in the common areas, they co-mingle during recreation and command directed PT and somewhat at meal time. Enclosure (14)
4. Prisoners are housed in separate cells so that the pre-trial prisoners and sentenced prisoners are not together overnight in the same cell. Enclosure (14)
5. BUPERSINST 1640.22, Article 1640-040, Section 3, 301.2 states that "Although preferred, there is no specific requirement that prisoners of different legal status (pre-trial, adjudged, or sentenced) be housed separately. However, separation of pre-trial and post-trial prisoner shall be effected to the greatest extent possible (even if only within the same living quarters)...In some brig, practicality dictates commingling of prisoners in the same quarter; however, every effort shall be made to maintain separate berthing where possible."
6. The Brig is not fully occupied at this time, and the current practice is to rotate the prisoners between cell blocks to keep the prison in use and keep the systems rotating to keep them operable and keep the systems within each from degrading. Enclosure (14)

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1. The current housing in separate cells meets the minimal standard for keeping pretrial and post-trial prisoners separated.
2. Based on my interviews and my personal observation, there could be additional efforts to see if practicality and resources would allow more separation between pre-trial and sentenced prisoners.
3. There is no violation of the BUPERSISNT 1640.22f.

Recommendations

1. I recommend that PERS 00D and the Brig commanding officer look at alternatives available to see if they can improve the separation of the prisoners more thoroughly to include meals, free time, recreation and command directed PT or any other areas that might make sense and are practical.
2. Eating times could be slightly staggered or the chow hall could be set up so that the pretrial prisoners sit separately at all times from sentenced prisoners.
3. Recreation yard activity times could also easily be staggered or in the alternative, the massive yard space could be divided to keep the prisoners separated. Indoor recreation time during inclement weather is already staggered, and this could be staggered for pretrial and for sentenced prisoners.

Allegation 9

Allegation 9: That [REDACTED] was physically assaulted twice by a member of the NAVCONBRIG staff, having his left knee kicked from behind. This resulted in excruciating pain and extensive joint damage. This assault was committed in retaliation for [REDACTED] complaints of maltreatment made to brig enlisted leadership.

Findings of Facts

1. [REDACTED] failed to name any guards who allegedly assaulted him by sneaking up on him and taking out his left knee. Enclosure (20)
2. [REDACTED] failed to specify when or where within the Brig exactly these alleged assaults on his knee took place. Enclosure (20)
3. [REDACTED] knew very well how to file complaints in the form of DD Form 510s as he did so on multiple occasions. Enclosure (21)
4. [REDACTED] tried to give a bag of his personal challenge coins to be delivered to various staff by name, thus showing he was well familiar with the names of the various guards throughout the facility. (Note: these coins were returned to his command because such a gift from a prisoner is against the Brig rules.) Enclosure (21)

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5. [REDACTED] had a meeting with the commanding officer of the Brig before he was released and gave glowing compliments about the facility and the various guards, and he made no mention of the alleged assaults. Enclosure (21)
6. The Brig has cameras covering nearly every inch of the Brig. If [REDACTED] had made a claim of assault to anyone, the Brig could have easily pulled video recording of the event and taken immediate action against any alleged perpetrator. Enclosure (14)
7. [REDACTED] had to be aware that all activity was being monitored and recorded on video at the Brig because the camera housings throughout the Brig are obvious to anyone. Enclosure (14)
8. [REDACTED] did hurt his knee playing soccer (or ultimate Frisbee) in the prison recreation area during outdoor recreation time that required him to be transported to a hospital where he was treated and released back to the Brig with no apparent permanent injury. Enclosure (14)
9. [REDACTED] is a large man and appears to be physically strong. (21)
10. Prisoners can drop DD Form 510s directly in a locked box that goes to the leadership and commanding officer, skipping over the staff. Enclosure (14)
11. No such report about such an alleged assault on [REDACTED] was filed or made known to the Brig staff or leadership. (21)

Opinions

1. [REDACTED] story of being assaulted by guards who does not remember has no merit.
2. It is most likely that if an assault had occurred, that [REDACTED] would have immediately filed a DD Form 510 in the direct-to-the-CO box about such an assault.
3. If the assault to [REDACTED] had occurred, he would have raised this issue with the CO when he met with him on at least two occasions.
4. If [REDACTED] had made a timely complaint of assault, then video proof could have easily been obtained to either prove or disprove his allegation. This delay in reporting closes off the ability to look for video recordings for such an event.
5. The prisoners are aware that almost all of their interactions with the guards are recorded on video.
6. This claim is without merit.
7. However, [REDACTED] affidavit was also forwarded to NCIS for further review and investigation.

Recommendations

1. There are no specific recommendations for the Brig.

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Allegation 10

Allegation 10: That NAVCONBRIG staff repeatedly performed "forearm shivers" on [REDACTED]  
[REDACTED]—hitting him with their forearms to provoke a response.

Findings of Facts

1. [REDACTED] failed to name any guards who allegedly assaulted him or others by using "forearm shivers." Enclosure (20)
2. [REDACTED] failed to specify when or where within the Brig exactly these alleged assaults took place, or besides him who they happened to. Enclosure (20)
3. [REDACTED] knew very well how to file complaints forms in the form of DD Form 510s as he did so on multiple occasions. Enclosure (21)
4. [REDACTED] tried to give a bag of his personal challenge coins to be delivered to various staff by name, thus showing he was well familiar with the names of the various guards throughout the facility. (Note: these coins were returned to his command because such a gift from a prisoner is against the Brig rules.) Enclosure (21)
5. [REDACTED] had a meeting with the commanding officer of the Brig before he was released and gave glowing compliments about the facility and the various guards, and he made no mention of the alleged assaults. Enclosure (21)
6. The Brig has cameras covering nearly every inch of the Brig. If [REDACTED] had made a claim of assault to anyone, the Brig could have easily pulled video recording of the event and taken immediate action against any alleged perpetrator. Enclosure (14)
7. [REDACTED] had to be aware of that all activity was being monitored and taped on video at the Brig because the camera housings throughout the Brig are obvious to anyone. Enclosure (14)
9. [REDACTED] is a large man and appears to be physically strong. (21)
10. Prisoners can drop DD Form 510s directly in a locked box that goes to the leadership and commanding officer, skipping over the staff.
11. No such reports about such an alleged assault by using "forearm shivers" on [REDACTED] or any other prisoners were filed or made known to the Brig staff or leadership. (21)

Opinions

1. [REDACTED] story of being assaulted with "forearm shivers" by guards who does remember has no merit.

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2. It is most likely that if these "forearm shiver" assaults had occurred, that [REDACTED] would have immediately filed a DD Form 510 in the direct-to-the-CO box about such an assault.
3. If these assaults to [REDACTED] had occurred, he would have raised this issue with the CO when he met with him on at least two occasions.
4. If [REDACTED] had made a timely complaint of assault, then video proof could have easily been obtained to either prove or disprove his allegation. This delay in reporting closes off the ability to look for video recordings for such an event.
5. The prisoners are aware that almost all of their interactions with the guards are recorded on video.
6. This claim is without merit.
7. However, his affidavit was also forwarded to NCIS because it suggests a possible assault.

Recommendations

1. Coordinate and cooperate with NCIS in its review of these allegations.

Allegation 11

Allegation 11: That members of the NAVCONBRIG staff stole a PTSD journal from [REDACTED]  
[REDACTED]

Findings of Facts

1. [REDACTED] brought into the Brig a journal that was contraband as he did not bring it into the Brig in a proper manner. (21)
2. During a cell search, the guards found this journal that on its face was contraband. The guards flipped through it and found additional contraband that would have caused even a validly obtained PTSD journal to be seized as it contained the name, address, social security number, mother's maiden name and phone number of a fellow prisoner. The prisoners are not allowed to record such information, and this is set out in the prisoner rules manual and taught during orientation. (21)
3. The journal was properly seized as contraband. (14)
4. The journal was eventually run through the proper channels at the Brig through the medical department, and it was determined that he could have it as therapeutic. The offending contraband information about another prisoner was removed, and the journal was returned to him. Enclosure (21)



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Opinions

1. [REDACTED] leaves out of his affidavit that his journal was not "stolen" from him because this journal was contraband. [REDACTED] may have thought he could have a PTSD journal, but he also had the rules of the Brig so that he knew or should have known that when he wrongly recorded detailed information about a fellow prisoner in it that would make it contraband.
2. Even if this was a PTSD journal that [REDACTED] had introduced into the Brig appropriately, it would have still been properly seized once he caused it to be contraband by recording personal information about another prisoner.
3. [REDACTED] fails in his affidavit to state that the journal was eventually cleared through the proper channels and returned to him after the sensitive private information of another prisoner was excised from it.
4. This claim is completely unsubstantiated.

Recommendations

1. There are no specific recommendations for the Brig.

Allegation 12

Allegation 12: That [REDACTED] was placed in disciplinary segregation because he was "being disrespectful with a twitch of his face."

Findings of Facts

1. The disciplinary reports for [REDACTED] do not reveal that he was ever placed in disciplinary segregation because he was "being disrespectful with a twitch of his face."
- Enclosure 21

Opinions

1. This allegation has no merit.

Recommendations

1. There are no specific recommendations.

Allegation 13

Allegation 13: That Pretrial Prisoners are not permitted to receive books.

Findings of Facts

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1. This allegation is false. Brig prisoners may get books directly from vendors (such as Amazon), or they can use the very well-stocked Brig library. Prisoners cannot get books from family members and friends or even their own command because of the risk of introducing contraband into the Brig per the Brig rules and regulations. Enclosure (14)

Opinions

1. The prisoners have ample ways of getting books and reading material. This allegation is without merit.
2. The need for the rules on how prisoners receive books set forth above in the facts is obvious, and these rules are necessary for security and good order and discipline.

Recommendations

1. There are no specific recommendations for the Brig.

Allegation 14

1. Allegation 14: [REDACTED] was "constantly yanked around" while being escorted in shackles to medical by [REDACTED].

Findings of Facts

1. This allegation came from an email sent by former prisoner [REDACTED] to his defense counsel. He names a [REDACTED] as a person who "yanked him around" in restraints when the prisoner was transported to medical. Enclosure (22)

2. The [REDACTED] in enclosure (22) is [REDACTED]. [REDACTED] denied using any kind of excessive force on [REDACTED], and [REDACTED] specifically denied the allegation that he "yanked" [REDACTED] around on a trip to medical. Enclosure (23)

3. All prisoners get an orientation that covers the rules and regulations of the Brig when they arrive that includes how to make complaints or grievances known to the Brig leadership through DD Form 510. Enclosure (14)

4. [REDACTED] filed multiple DD Form 510s on other issues so he knew how to bring forward a complaint. Enclosure (14)

5. None of the DD Form 510s indicated anything complained about by [REDACTED] here.

Opinions

1. There are no known witnesses to this event, and the prisoner lacked any specificity in his complaint sufficient to prove his version of events.

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2. [REDACTED] like all prisoners at the Brig, receive orientation training and a rule book that tells them how to file DD Form 510 to make a grievance known to the chain of command so [REDACTED] knew or should have known how to do this.
3. This claim is unsubstantiated.

Recommendations

1. There are no specific recommendations in this matter.

Allegation 15

Allegation 15: [REDACTED] was made to stand longer than 15 minutes while having a medical chit that required him to stand no longer than 15 minutes.

Findings of Facts

1. [REDACTED] did have four chits for no standing for periods greater than 15 minutes from 2 December 2015 to 28 March 2016. Enclosure (24)
2. The allegation from [REDACTED] about being made to stand beyond 15 minutes by the "goon squad" (with no individual guard names) came from an email dated 30 September 2016 written by [REDACTED] to [REDACTED], a Defense Services Office civilian. Enclosures (22) and (25)
3. [REDACTED] does not specifically name any individual guard or give a time and place where this activity of making him stand allegedly occurred. Enclosures (22) and (25)
4. A review of [REDACTED] filed DD Form 510s did not yield any complaints that any guard at the Brig made him stand despite his chit. [REDACTED] filed a significant number of DD Form 510s over many issues throughout his stay at the Brig. Enclosure (14)
5. No interviewed guard admitted to making [REDACTED] stand beyond 15 minutes when he had a chit saying he was not to stand that long.
6. The procedure for making it known that a prisoner has a chit, is for the prisoner to let the guards know there is a chit, and present it to the guards. If this was done by the prisoner and this was ignored, and the prisoner filed a DD Form 510, then a video could be pulled showing the alleged violation or exonerating the guard. Almost every area in the Brig has video surveillance. Enclosure (14)
7. If a prisoner is clocked as having reached the maximum standing period, the prisoners are allowed by the guards to sit. Enclosure (14)

Opinions

1. [REDACTED] lack of specificity of when he was made to stand beyond 15 minutes and his not naming an individual guard or guards made it difficult to investigate, but it also makes it seem

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questionable that it occurred in light of [REDACTED] propensity to file DD Form 510s for a range of complaints.

2. The guards are familiar with the process for prisoners to let the guards know they have chits for things like no standing.
3. If this happened, it is most likely that [REDACTED] would have filed a DD Form 510 and then the Brig leadership could pull the video to determine if it in fact occurred and take appropriate action.
4. No evidence substantiates [REDACTED] claim that he was made to stand for more than 15 minutes.

Recommendations

1. There are no specific recommendations for this allegation.

Allegation 16

Allegation 16: [REDACTED] acted inappropriately when conducting body searches.

Findings of Facts

1. [REDACTED] made an allegation in an email that during body searches that [REDACTED] "would even grab at ones (sic) private areas." He did not specify if this happened to him or another person. Enclosure (22)
2. This claim by [REDACTED] was not the subject of any DD Form 510 that he had previously filed.
3. There was a recent investigation at the Brig by NCIS in July 2016 of [REDACTED] for inappropriate body searches because of a claim by [REDACTED]. Enclosure (26)
4. NCIS concluded a thorough investigation, and the claim by [REDACTED] was unsubstantiated. Enclosure (26)
5. The claim by [REDACTED] is similar to that of [REDACTED] and may even be about [REDACTED] rather than himself. Enclosures (22) and (26)
6. There is no video kept after approximately 30 days. Enclosure (14)
7. [REDACTED] transferred from the Brig to [REDACTED] in the summer of 2016. Enclosure (23)
8. [REDACTED] denied inappropriately touching any prisoners, and he specifically denied inappropriately touching [REDACTED]. Enclosure (26)
9. [REDACTED] claims that he was also inappropriately touched during a search by [REDACTED]. See paragraph 6 of Enclosure (6)

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10. The allegation by [REDACTED] is being investigated by NCIS.

Opinions

1. The prisoners know that the behavior of the guards is being videoed, and that they can file DD Form 510s directly with the Commanding Officer. As it stands, there is no video that could be reviewed to try to see if there is any recorded evidence of any inappropriate action.
2. The claim of [REDACTED] was unsubstantiated.
3. The claim by [REDACTED] is being investigated by NCIS.
4. It is unclear if the claim by [REDACTED] was referring to the incidents alleged by [REDACTED] or [REDACTED] or if this was a separate incident.

Recommendations

1. Continue to coordinate with NCIS and provide support to the NCIS investigation.

Allegation 17

Allegation 17: African American prisoners were treated inappropriately.

Findings of Facts

1. Charges of racism against African American prisoners by the "goon squad" appear in the affidavit by former [REDACTED] USCG. Enclosure (28)
2. [REDACTED] states that his evidence of this is based on who was searched and when, including cell searches. See paragraph 8 of Enclosure (28)
3. There were no records of cell searches that recorded the race of those searched kept by the Brig. Enclosure (14)
4. Normal cell searches are conducted randomly and set up each day, and other searches are based on suspicious activity by prisoners. Enclosure (14)
5. [REDACTED] who is mentioned by [REDACTED] as the "[REDACTED] who most enabled them (the "goon squad") to get away with abusing us," was identified as the leader of the guards complained about. See paragraph 5 of Enclosure (28).
6. [REDACTED] is African American.
7. [REDACTED] also included [REDACTED] as a member of the "goon squad." [REDACTED] is also African American.

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8. Interviews with all the guards listed in the affidavits, including [REDACTED] and [REDACTED] yield complete denials that any searches or any other activity by the guards was based on the race of prisoners.
9. [REDACTED] claimed in his affidavit that he was called "tar baby" by a [REDACTED] (He must mean [REDACTED] since that was the only guard with a similar name.) See paragraph 4 of Enclosure 6.
10. [REDACTED] claimed that "When I was asleep and [REDACTED], would randomly knock on my cell and call me 'tar baby' while I was sleeping." See paragraph 4 of Enclosure 6
11. [REDACTED] denies he made any statements like "tar baby" or that he made any other racial slurs. Enclosure (29)

Opinions

1. There is no proof that the guards were harassing prisoners based on race of the prisoners.
2. There are no DD Form 510s filed alleging that guards were using race as a basis for cell searches or any other similar activity in the Brig.
3. Interviews with all the guards included questions about race, and all denied such basis for any treatment of prisoners.
4. The leader, [REDACTED] who allegedly most enabled this alleged race-based treatment is also African American. [REDACTED] denial that this was happening is more credible than the vague claims herein.
5. [REDACTED] was familiar with filing DD Form 510s, and if this was happening, it seems a near certainty that he would have filed a complaint. The claim that a guard would use such a random racial slur with no other witnesses and only now being reported seems false.
6. These claims of racism are all without merit.

Recommendations

1. There are no specific recommendations concerning this allegation.

Allegation 18

Allegation 18: Prisoners of more senior rank were treated inappropriately.

Findings of Facts

1. The allegation that senior ranking people were treated inappropriately stems from affidavits filed by [REDACTED] Enclosures (2), (20) and (28)
2. The focus of the allegation is on the alleged treatment of senior people, specifically [REDACTED] and [REDACTED] and [REDACTED] Enclosures (2) and (28)

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3. These four [REDACTED] would attempt to move the chow line organization contrary to the rules so that they could sit together. Enclosure (4) and (5)
4. [REDACTED] alleges an "assault" on [REDACTED] in his affidavit over these events of having a cell tossed. Enclosure (3)
5. During my interview of [REDACTED] he said this assault consisted of [REDACTED] leading [REDACTED] to the back of the line by holding him by the elbow and moving him along. [REDACTED] actually demonstrated this on his defense counsel, and the demonstration was not one that could be reasonably described as an assault and battery.) Enclosure (4)
6. [REDACTED] admitted that they knew it was against the rules to switch places in order to sit together. The senior people were caught sitting together more than once. Enclosure (4)
6. The allegations by [REDACTED] are vague with no specifics except to say that [REDACTED] was the main instigator. Enclosure (28)
7. Each of the guards interviewed reiterated that Brig policy is that the rank of the prisoners, either pre-trial or sentenced prisoners, is not a factor for how prisoners are treated, and that use of rank to lead or get privileges is prohibited. See also Enclosure (14)
8. Some senior people do not like that they do not have their prior senior standing while they are at the Brig. Enclosure (5)

Opinions

1. The officers and senior enlisted prisoners do not like the fact that they have no leadership role in the brig, and this fact causes some unfounded perceptions by the prisoners that they are being treated inappropriately.
2. [REDACTED] admitted that the khaki group violated the rules to sit together, but he defended the behavior because some of the guard sets did not enforce the chow line rules. The later enforcement of the rule by the guards in question in this investigation is not inappropriate treatment.

Recommendations

1. There are no specific recommendations for this allegation.

Allegation 19

Allegation 19: Prisoners of more junior rank were treated improperly.

Findings of Facts

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1. The primary basis for the allegation that junior rank prisoners were treated improperly comes from the [REDACTED] affidavit. See paragraph 11 of Enclosure (28)
2. [REDACTED] stated in his affidavit: "It seemed to me the lower on the totem pole you were in prison, the worse it was for you." See paragraph 11 of Enclosure (28)
3. [REDACTED] stated in his affidavit that the Marine guards would pick on the prisoners junior to them. Enclosure (28)
4. [REDACTED] also made a similar statement about junior enlisted prisoners "had it far worse from the Goon Squad." See paragraph 14 of Enclosure (20). [REDACTED] speaks generally, and he focused on prisoner [REDACTED] for examples, previously discussed above in this investigation.
5. Interviews with the guards yielded no information about inappropriate treatment of junior personnel. This claim was universally denied by the guards. There is no independent, objective evidence to prove the claim made by the prisoners.

Opinions

1. The allegations were unfounded. They are so vague so that it is nearly impossible to prove or refute them. Had any of the alleged inappropriate activities been contemporaneously reported, they can could be reviewed using video surveillance footage to assist in discerning if it happened or to clear any guard so accused. This is the purpose of prisoners being able to file DD Form 510s, and all of the prisoners who have filed affidavits have shown they know how to properly file a DD Form 510.

Recommendations

1. There is no specific recommendation for this claim.

Allegation 20

Allegation 20: DD 510 form complaints and verbal complaints were not appropriately routed and addressed or would result in retaliation by certain guards.

Findings of Facts

1. The prisoners are all briefed on how to use DD Form 510s during orientation. Enclosure (14)
2. The prisoners can file follow up DD Form 510s directly to the commanding officer if they do not get a response or if the aggrieved prisoner is not satisfied with resolution. Enclosure (14)



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3. There is a system of recording and logging DD Form 510s. These codes are used to track them and for reference. Enclosure (14)
4. The DD Form 510 comes in three parts that allows the prisoner to keep a copy, or a copy is made at the prisoner's request. Enclosure (14)
5. This claim is made in the [REDACTED] Affidavit, but it offers no proof in the form of a DD Form 510 copy whatsoever. If a copy was produced, it could then be tracked against the existing logged in forms. Enclosure (14)
6. The guards interviewed from the named guards in the affidavit all deny retaliating against any prisoner who filed DD Form 510.

Opinions

1. This claim has no merit. The prisoners have not produced one copy of a DD Form 510 wherein they made a complaint that is not on file with the Brig.
2. The Brig effectively uses the DD Form 510 system, as they did with [REDACTED] above in getting him a Navy sweatshirt, to resolve things when they can be resolved.
3. The Brig is not hiding complaints.
4. There is no retaliation by the guards or Brig Staff for prisoners filing of DD Form 510s.

Recommendations

1. There are no specific recommendations for this allegation.

Additional Findings of Fact

There were five distinct inspections or audits of the Naval Consolidated Brig Chesapeake within the last two years:

1. American Correctional Association (ACA) initial accreditation; audited 19-21 May 14, accredited on 18 Aug 14 (100% compliance score). ACA accreditation is conducted triennial
2. NCB Chesapeake had several major inspections in calendar years 2015 and 2016. Enclosure (14)
3. Operational Readiness Inspection (ORI) was successfully completed by the PERS 00D team on 3-7 August 2015. Enclosure (14)
4. Prison Rape Elimination Act (PREA) Audit was completed successfully as 100% compliant on 18-20 April 2016. Enclosure (14)
5. Inspector General (IG) Audit was completed on 20-24 June 2016 with no discrepancies noted. [REDACTED] of PERS 00D was part of that IG team inspection. During this inspection

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approximately 20 prisoners were interviewed and there was no mention of any of these allegations by the prisoners to the inspectors. Enclosure (14)

Opinions

1. There have been five intense inspections or audits during the times in question raised by the allegations of the prisoners noted herein, and none of them came forward with these complaints to the inspectors. This failure to make such reports timely calls into question the veracity of these allegations.
2. The timing of the allegations herein is such that it makes it difficult to review objective evidence such as video evidence. This pattern of making late allegations all at once after many opportunities to raise them also calls into question the veracity of the claims.

Recommendations

1. There are no specific recommendations from this section.

Additional Findings of Fact

1. [REDACTED] also filed an affidavit in the [REDACTED] case alleging an incident with [REDACTED] wife [REDACTED] was being supervised by [REDACTED] Enclosure (27)
2. [REDACTED] admits he used a thumbs-up sign to signal to [REDACTED] that he was done folding or dropping off laundry.
3. [REDACTED] corrected this behavior as using hand gestures and signs are against the Brig rules. Enclosure (29)
4. [REDACTED] did not see this as a flagrant violation, and [REDACTED] discussed this. During this discussion, [REDACTED] asked [REDACTED] why she was taking the side of the prisoner. Enclosure (30)
5. The situation de-escalated, and [REDACTED] asked [REDACTED] "what just happened," and [REDACTED] essentially told him to "never mind" and get back to work. Enclosure (30)

Opinions

1. There is no misconduct from the above facts committed by any staff.
2. It was a technical violation of the rules to use a "thumbs up" sign instead of a respectful response.
3. [REDACTED] was correct in her de-escalation in this situation, and as the senior person took charge and got the prisoner re-focused on his work.

Recommendations

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1. Make sure the staff are consistently following the rules, and communicate differing views outside the presence of the prisoners to resolve them without involving the prisoner.

Conclusion

After completing this investigation, it is my opinion that there are no violations by members of the Naval Consolidated Brig Chesapeake. The allegation of inappropriate touching during frisk search made by [REDACTED] is being separately investigated by NCIS. The allegations of assault by former [REDACTED] have also been sent to NCIS for review and possible investigation.

In reviewing the various affidavits of the prisoners, it becomes clear that they are full of vague allegations and statements that make it problematic to investigate. These claims were not timely made, and that also makes it difficult to investigate since the Brig's video recording system does not keep the recordings after approximately 30 days. Some of the allegations in the affidavits appear to be written as first-hand witness accounts, but later turn out to be based on hearsay and were then proven to be inaccurate. One example is the way [REDACTED] describes a Sailor passing out from heat that he did not personally see, and that did not in fact happen because of heat.

It is recommended that the Brig continue to stay vigilant in maintaining discipline and consistency in its systems and over the interactions between the guards and the prisoners. There is some concern that the guard "set" that is complained about is actually enforcing the rules strictly while other "sets" may be more lenient in the enforcement of the rules. This builds an unrealistic expectation in the prisoners that they can do certain things when they should not. The complaint that arose from the senior people not being able to sit and eat together is a prime example. If rules are enforced by all the guards, then these issues would likely not occur.

Although it is unclear whether [REDACTED] who filed a DD Form 510 about not having a sweatshirt, complained to the staff before he went outside, this type of issue could be solved at the lowest level with a common sense solution. However, the allegations that prisoners were made to go out below the recommended temperatures is without merit.

I had a full tour of the Brig spaces, and I found them well organized, clean and efficient.

Very Respectfully,

[REDACTED]



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5830  
PERS 00J/ 152  
7 Oct 16

From: Commander, Navy Personnel Command  
To: [REDACTED] USN

Subj: COMMAND INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT  
AT NAVAL CONSOLIDATED BRIG CHESAPEAKE

Ref: (a) JAGMAN, Chapter II

Encl: (1) List of allegations

1. This appoints you, per reference (a), to inquire into the facts and circumstances surrounding the allegations contained in enclosure (1) and any additional allegations that arise throughout the course of your investigation.
2. You are to interview witnesses and collect documentation necessary to investigate this incident. Report your summary of findings and recommendations in letter form by close of business on 4 November 2016, unless an extension of time is granted. Your recommendations should include appropriate administrative or disciplinary action, or a recommendation for a more formal investigation, if necessary. If you have not previously done so, read Chapter II of reference (a) in its entirety before beginning your investigation.
3. You will travel with and be assisted by [REDACTED]  
[REDACTED] Corrections and Programs Office, Navy Personnel Command (PERS-00D).
4. During the course of your investigation you may seek legal advice from [REDACTED]  
JAGC, USN, Office of Legal Counsel (PERS-00J). She can be reached at [REDACTED] or by  
email at [REDACTED].

  
R. A. BROWN

ENCLOSURE (1).

Allegation 1: That [REDACTED] and [REDACTED] reported to [REDACTED] that they had their cells tossed and suffered reprisal in the form of having their cells tossed in response to that report.

Allegation 2: That NAVCONBRIG staff removed a notebook and papers containing attorney-client privileged information from [REDACTED].

Allegation 3: That, in response to his request to have his cell door opened to retrieve an item, [REDACTED] verbally assaulted [REDACTED] screaming "I'm not your f\*ing door boy. If you want me to open your door, you better say please!" When [REDACTED] responded "but I just want my room opened," [REDACTED] immediately sent him to disciplinary segregation. At the resultant Disciplinary Review Board, [REDACTED] was called as a witness and told by the board to only provide facts that favored [REDACTED] version of events.

Allegation 4: That, in the winter of 2015, a duty section consisting of [REDACTED] would repeatedly send Pretrial Prisoners outside without coats or sweatshirts for an hour at a time when the weather was below forty degrees Fahrenheit.

Allegation 5: That the cell temperatures exceeded eighty degrees Fahrenheit in the summer of 2016, and Pretrial Prisoners were not permitted to de-blouse. This caused [REDACTED] to pass out from heatstroke while in disciplinary segregation.

Allegation 6: That, in response to submitting DD510 forms, [REDACTED] was berated by a unit supervisor of the rank of E-7.

Allegation 7: That the NAVCONBRIG Chesapeake, the Commanding Officer, stated "if there are guards who are strict and aggressive, those are the guards I'm going to promote. If there are guards who are gentle and nice, those are the ones I'm firing."

Allegation 8: That from April to June 2016, post-trial prisoners were housed alongside pretrial prisoners in the Juliet housing unit.

Allegation 9: That [REDACTED] twice had his left knee kicked from behind by a member of the NAVCONBRIG staff. This resulted in pain and joint damage. This act was committed in retaliation for [REDACTED] complaints of maltreatment made to brig enlisted leadership.

Allegation 10: That NAVCONBRIG staff repeatedly performed "forearm shivers" on [REDACTED] — making physical contact with him with their forearms to provoke a response.

Allegation 11: That members of the NAVCONBRIG staff removed a PTSD journal from [REDACTED]

Allegation 12: That [REDACTED] was placed in disciplinary segregation because he was "being disrespectful with a twitch of his face."

Allegation 13: That Pretrial Prisoners are not permitted to receive books.

Allegation 14: [REDACTED] was "constantly yanked around" while being escorted in shackles to medical by [REDACTED].

Allegations 15: [REDACTED] was made to stand longer than 15 minutes while having a medical chit that required him to stand no longer than 15 minutes.

Allegation 16: [REDACTED] acted inappropriately when conducting body searches.

Allegation 17: African American prisoners were treated inappropriately.

Allegation 18: Prisoners of more senior rank were treated inappropriately.

Allegation 19: Prisoners of more junior rank were treated inappropriately.

Allegation 20: DD 510 form complaints and verbal complaints were not appropriately routed and addressed or would result in retaliation by certain guards.

**DEPARTMENT OF THE NAVY  
SPECIAL COURT-MARTIAL  
NAVY AND MARINE CORPS TRIAL JUDICIARY  
CENTRAL JUDICIAL CIRCUIT**

**UNITED STATES**

**v.**

**AFFIDAVIT OF**

\*\*\*\*\*

1. I, [REDACTED] am a [REDACTED] on active duty in the U.S. Navy. I am currently being held in pretrial confinement at Naval Consolidated Brig Chesapeake. I have been in pretrial confinement [REDACTED] present, [REDACTED].
2. Before being placed into pretrial confinement, I was most recently [REDACTED].

**Cellblock Juliet**

3. All pretrial detainees are housed in cellblock Juliet. While pretrial detainees' cells are on the first level of the cellblock, and the post-trial prisoners' cells are on the second level, both look out into the open bay, which provides fairly minimal separation because we can all hear each other and it is only while we are sleeping that we go to our cells. All prisoners and pretrial detainees spend nights in our individual cells. For most of the day, from reveille to taps, we are mixed together completely. Still, compared to the abuse we have had to endure from certain guards, being mixed with post-trial prisoners is comparably easy.

**Goon Squad**

4. From the time I arrived here through June of 2016, the guards who oversee Cellblock Juliet were organized into three to four shifts or crews. All of those crews except for one have consistently acted professionally and have treated us with dignity and respect. The other crew of guards is completely the opposite. We called that group the "Goon Squad" because of the way they acted. Anyone who has been in the brig prior to June 2016 can confirm there was a Goon Squad. They terrorized me and most of the other pretrial detainees for almost my entire time here. The Goon Squad was broken up by the brig in June 2016 following an audit, which definitely made things better, but the individual guards who made up the Goon Squad are still here and still act in that manner.
5. The Goon Squad was led by [REDACTED]. The other guards who made up the Goon Squad were [REDACTED].

**ENCLOSURE ( 2 )**

[REDACTED] was not part of the Goon Squad, but he was [REDACTED] whom we complained to.

6. Knowing that I am considered by law to be innocent until proven guilty, to say the treatment by the Goon Squad was disheartening is a massive understatement. When the Goon Squad was on duty at NAVCONBRIG Chesapeake, *I lived in fear*. Every day that I knew the Goon Squad was coming online, it would cause a visceral feeling of dread in the pit of my stomach. It was not an environment of security, dignity or respect. It was an environment of degradation.

#### Abuse of Detainees

7. I was a victim and also a witness to instances of abuse by members of the Goon Squad. A lot of it was verbal and psychological harassment and provocation.
8. For much of my time in pretrial confinement, I was [REDACTED] along with [REDACTED] USCG, who is now back serving in the Coast Guard after winning his trial, [REDACTED], and [REDACTED]. I believe the Goon Squad targeted the four of us. [REDACTED], in particular, would make false accusations against us and harass us. He liked to target us at meals and toss our cells, which means to go through all of our personal items and trash them. At one point, after having only our four cells tossed and being harassed at dinner [REDACTED] was actually physically assaulted), the four of us went together and made a complaint to [REDACTED]. We asked him to correct this. Not only was our complaint ignored, but the next day they tossed only our four cells. I believe this was reprisal for the complaint. So for self-preservation, we learned to keep our mouths shut.
9. [REDACTED] was one of the junior sailors in pretrial confinement. He was in pretrial confinement with me for approximately eight months, from mid-December 2015, until mid-August 2016. He was in cellblock Juliet with me and the other pretrial detainees.
10. The entire time [REDACTED] was there, he was dressed as an [REDACTED]. I had no idea he had promoted to [REDACTED] until now.
11. I witnessed the Goon Squad abusing [REDACTED] twice. One weekend, [REDACTED] told me they tossed his cell and stole his attorney-client privileged papers that he had in a notebook marked "attorney-client privileged" was taken. He made an official 5-10 complaint about it and asked for his notebook back. The 5-10 is the form all of us used to make complaints. The brig denied his complaint. He showed me both documents. They said there was no notebook.
12. Another example I witnessed was when [REDACTED] had to return to his cell to retrieve something. The standard procedure for that was to stand by your cell door and call out your cell number to the guard on duty. [REDACTED] did this by the book, exactly how he was supposed to. [REDACTED] was the guard, and he ignored [REDACTED]. I was right there and heard [REDACTED] call out, "52 . . . 52 . . . 52 . . ." Despite being ignored, [REDACTED] never changed his voice from a calm, normal tone. I saw [REDACTED] keep his composure and remain respectful. [REDACTED] was forced to call it out five times before [REDACTED]



acknowledged him. On the fifth time, [REDACTED] exploded at him, got in his face, and yelled, "I'M NOT YOUR FUCKING DOORBOY! IF YOU WANT ME TO OPEN YOUR DOOR, YOU BETTER SAY PLEASE!" This was not actually required, and none of us had been forced to do that before. But [REDACTED] was forced to say please. Then I heard [REDACTED] say, again in a normal tone, "But I just want my room opened," and [REDACTED] exploded at him again and immediately sent him to solitary confinement in Kilo cellblock, which was the punishment cellblock. I was called as a witness at [REDACTED] disciplinary review board because I was right there when this happened. I told them what I saw and heard. The members of the review board then suggested to me that I should tell them facts that favored [REDACTED] story. I refused, and ultimately [REDACTED] was punished.

13. **Stop-Start:** This is another example of things the Goon Squad members would do. [REDACTED] and [REDACTED] would do this the most. They would line us up and arbitrarily order us to stop and start repeatedly just to mess with us.
14. **Cold weather:** Only a few people were pretrial detainees going back through the winter of 2015 and through the summer of 2016. [REDACTED] and myself are two who experienced winter, spring and summer as pretrial detainees. In the winter, the Goon Squad was the only group of guards who would do this. They would send all of us outside in sub-40-degree temperatures for an hour at a time without coats. Some people didn't even have sweatshirts. The Goon Squad was the only group of guards that ever did that to us, but they did it every time.
15. **Summer:** Over the summer, it got to be over 80 degrees inside, and with no insulation our cells were far hotter. I could hardly sleep through those conditions, but we were not allowed to even take off our blouses. Finally, a prisoner named [REDACTED] USMC, passed out from heatstroke while in solitary in Kilo Cellblock. They found him drenched in sweat. After that they at least put water in the cellblock.
16. **Complaints and reprisal:** Many prisoners have complained about our treatment by the Goon Squad many times. I have made and seen oral complaints, but most of the prisoners' complaints were done in writing via the 5-10 forms that I mentioned earlier. The way this would often happen is that after we would submit a 5-10, the unit manager, usually a chief (E-7), would meet with the detainee, yell at him, and tell him the guards are always right. I personally suffered this treatment. I once stuck up for an E-3 who was mistreated and filed a 5-10 on his behalf. I was brought in to see the Unit Supervisor, an E-7, and he yelled at me.
17. **My first day at NAVCONBRIG Chesapeake,** the CO spoke to us and said something to the effect of, "If there are guards who are strict and aggressive, those are the guards I'm going to promote. If there are guards who are gentle and nice, those are the ones I'm firing." On a day that I returned from a court appearance, [REDACTED] and [REDACTED] observed me during a strip search. I discussed the brig environment with them, and [REDACTED] stated, "The brig is not supposed to be easy. If it is, then something is wrong and I am going to do something about it." I am not naïve, and I understand this is a military prison. But I am also a pretrial detainee who is supposed to be presumed by the law to be innocent, and I still should have constitutional rights. Even pretrial detainees deserve to be treated with some dignity. Clearly, most of the staff understands that, because the vast

majority of the guards treat us with dignity and respect, and they still maintain discipline. It is only the Goon Squad and a few enablers that do not.

18. My attorneys, [REDACTED] and [REDACTED] offered me the opportunity to write this affidavit and told me to be as accurate as I can be about how I was treated and about what I saw happen to others during my time in pretrial confinement. I know that previous complaints have been ignored at the brig, but I am choosing to do it anyway because it is the truth, and it is worth the risk to correct the injustice that occurred because of the goon squad. I hope this will help someone to correct it.

19. I certify this statement to be true and accurate to the best of my knowledge.

Witness the following signature this 28<sup>th</sup> day of September, 2016.

[REDACTED]

Witness Statement Summary  
From interviews during week of 18-20 October 2016

[REDACTED]

I serve as a Command Duty Officer. I oversee operations during my period of duty so I am the supervisor during my duty hours of the various guard "sets." We call groups of guards on a shift a "set."

Prisoners use the term "tossed" for our searches of their cells. I did not order the cells searched in retaliation for complaints by prisoners to me about their cells being searched. The prisoners [REDACTED] did not have cell searches for any improper reason.

Cells are generally chosen each day randomly to be searched, usually while the prisoners are at chow or during recreation time. If contraband is found during a search, the staff comes to the CDP or watch supervisor to inform them.

The prisoners all have clear plastic boxes as one item in their cells that they refer to as their "legal box" as they tend to keep legal documents in them. They also are always searched because the prisoners often keep contraband in those boxes. There is no prohibition for searching these boxes. If there are legal documents in that box, we do not read the document, but we flip through it looking for contraband. We have two staff do the search when there is legal correspondence that is flipped through. For example, in the case of [REDACTED] he was keeping blank bank checks, which are contraband, in his clear box.

[REDACTED] came as a group to me to state that they felt they were singled out by a [REDACTED]. I spoke with [REDACTED] about this complaint. [REDACTED] reported to me that these prisoners in particular were not following the proper chow rotation for lining up in cell order, and that they were "rigging" the line so that they all could sit together. I did not find that [REDACTED] or anyone in the "set" of guards complained about and identified as the "goon squad" by those prisoners had done anything inappropriate in searching the cells.

I had an opportunity to observe [REDACTED] who injured himself at recreation call playing sports after his injury. I believe he went to the hospital, but I did not see him on crutches, just a limp for a day or two. There was no complaint made to me by [REDACTED] that he was assaulted by any of the guards.

[REDACTED] had an issue with authority. He did not like it.

Many of the senior people do not like being told what to do by junior enlisted, especially the junior enlisted Marines. The junior Marines guards are more strict, and the prisoners do not like it when the Marines just enforce the rules.

The members in the group listed in the affidavits (identified in the affidavits read to him alleged to make up the "goon squad") are mostly in Set 1. These guards are sticklers for the rules,

keeping the rules enforced as set out in the Brig rule book, and this draws a lot of complaints. Some of the sets are not as strict on enforcing the rules, but this group was not abusing the prisoners by enforcing the rules.

The CDO makes the call on the weather as to where rec call will be held. If it is under 40 degrees, we stay inside. We did not go out at the rec call time when it was below 40. The guards in the Sets do not decide if the prisoners go out. They have no control over making that call. The prisoners either all go out or all stay in during rec call.

- END -

Witness Statement Summary  
From interview 20 October 2016

(Answers are from [REDACTED] and the parentheticals are used for completing meaning and comments.)

I am [REDACTED] USN, and I have [REDACTED] in the Navy. I am a [REDACTED]  
last stationed [REDACTED]

I have been in the Chesapeake Brig for [REDACTED]. I was visiting the legal office in Norfolk when [REDACTED] attorney asked me about what happened with [REDACTED] at the Brig. The attorney asked me to help by providing an affidavit, and I agreed to do that and provided one.

I saw [REDACTED] at his cell door asking for the cell door to be opened. He asked about five times to [REDACTED] to open his cell door. [REDACTED] told [REDACTED] loudly to "come here." Then [REDACTED] said to [REDACTED], "I'm not your fucking bell boy." [REDACTED] told [REDACTED] that "he better say please."

[REDACTED] was calm and even. [REDACTED] then clapped his hands three times. [REDACTED] told [REDACTED] again "Come here" and lashed out verbally at [REDACTED] for disrespect and telling [REDACTED] not to talk back. [REDACTED] sent [REDACTED] to his room (cell). Then [REDACTED] was sent to the Kilo cell block by the Command Duty Officer. [REDACTED] was the Watch Supervisor, and [REDACTED] agreed with [REDACTED]

[REDACTED] asked me to be a witness at his Disciplinary Review Board (DRB). I was a witness. There was three staff on the DRB: an Air Force member, a Marine Corps staff sergeant and a civilian. The Marine DRB member asked me if I knew if [REDACTED] was busy, or if he could have been busy (when [REDACTED] was asking to be let into his cell). I told them I didn't know (if [REDACTED] was busy). I do not think the DRB influenced me in any way when I gave my statement to them.

The treatment at the Brig is like multiple small incidences, no details are in my mind. The "Goon Squad" is what we called one group of guards. They were aggressive, and they would instigate versus de-escalate issues.

[REDACTED] told [REDACTED] a prisoner from Miramar who was smiling: "why are you smiling? There is no smiling in the Brig."

It was "death by a thousand cuts."

Once staff member [REDACTED] said, "why are you talking back to staff? You are now talking back to staff."

[REDACTED] said to [REDACTED] cell block Juliet when [REDACTED] thought [REDACTED] had a smart mouth: "say it again, [REDACTED]" When [REDACTED] said nothing, [REDACTED] said, "I thought so."

ENCLOSURE (4)

The story about [REDACTED] in my affidavit was not witnessed by me. (I heard that) [REDACTED] had an issue in the laundry where [REDACTED] got in trouble for putting two thumbs up and said "good to go" and was then accused by [REDACTED] that he was using gang signs.

My personal issues involve the [REDACTED] and me, not being able to sit together during chow. We liked to sit together because we have more in common and more interesting conversations between us as senior people than with the junior prisoners. We had been allowed on some meals by some guards to sit together. Then [REDACTED] after a lunch told [REDACTED] to "break these four up for conspiring."

After that we went to chow again, and we were supposed to be separated, but a junior person went back to the end of the line and accidentally we all four sat together again. [REDACTED] removed [REDACTED] from the line and as I looked back, [REDACTED] grabbed [REDACTED] forearm to lead him to the back of the line. [REDACTED] then demonstrated this on his counsel sitting next to him – the demonstration was of a reasonable touching to get a person to move along, and this was the "assault" that [REDACTED] had mentioned in his affidavit.)

(In response to a question as to whether he understood that [REDACTED] were in fact violating the rules by sitting together, even if the other guards had let them, he concurred that they were supposed to line up by cells as directed by the staff, and they were not supposed to sit where they pleased.)

Later we [REDACTED] were frisked after the meal. Usually it is a random frisk.

Our rooms were tossed (searched) for two days after this. The contents in the cells were not put back neatly. We complained to CDO [REDACTED].

The information I gave in my affidavit on [REDACTED] is what I heard, it is not what I saw. I heard he had heatstroke. I do not have direct knowledge of this. I did not see him "drenched in sweat."

We were made to go out in the cold during personal (recreation) time and PT. I can't say how many times that happened.

In my affidavit I talked about an E-7 that is not named. This is [REDACTED]. [REDACTED] yelled at me for sticking up for others when I filled out a form 510 on behalf of an E-3.

(Asked if there were any other incidents, and he said, no.) (Asked if he really "lived in fear" based on the he was explaining the incidents discussed herein during this interview, and he said yes.)

For my affidavit, I prepared a rough draft, and the lawyer typed it up in "legalese" and I read, reviewed and signed it, and I recognize my signature at the end of the document.

- End -

Witness Summary Statement  
From interviews 18-20 October 2016

[REDACTED]

I am a [REDACTED] in the United States Navy, and I am currently working as the [REDACTED] at Navy Consolidated Brig Chesapeake. I have management responsibilities over all four "sets" of guards. The guard sets work for 12 hours a day for two days, then they have three days off, and they rotate.

I am not a real popular guy with the prisoners because I view the Brig rule book as the rule book we enforce.

From the list you just gave me of who the prisoners are calling the "goon squad," I was the [REDACTED] and the guards listed are the set with the hardest reputation because that set follows the rules. Some of the sets allow some leniency in the rules, and that can create a lack of consistency.

In November 2015, I was the [REDACTED] over Set 1, and I turned that job over in about [REDACTED] for my current job.

The incident with [REDACTED] involved a group of more senior prisoners in Juliet cell block. This was a Prisoner Management Department (PMD) thing and not an Ops thing. Ops was usually the movement of the prisoners, (and PMD would line the prisoners up for things like chow because they work in that area.)

Several officers and senior enlisted were using rank to be at the front of the line for chow. Some were sent back to the end of the line. It is supposed to be in cell order. The prisoners were upset about this, but it was following the rules, not harassing them. The allegation that I or anyone assaulted them is false.

When prisoners go on a temporary release (TR), there is a strip search. When [REDACTED] came back from a TR he thanked me and said "I know your job is hard."

The prisoners call cell searches "tossing the cell." The items are searched and put back generally where they go, but the prisoners are required to fold their clothes, remake the bed, and put everything back. When a search is done, things are in disarray, but this is not like a hurricane. At the time the prisoners are complaining about, I was in ops so I wouldn't do the searches. It is unlikely that I participated in those searches they are talking about. The PMD did most of the searches.

[REDACTED] had a conversation with the dorm supervisors on how to properly line up prisoners so that there would be no stacking in the front of the line by the prisoners. It was contrary to the rules to have the same group at the same table all the time. All the prisoners get a rule book, and they are briefed on it at orientation.

Regarding [REDACTED] and his claims about not knowing what rank he was, this is something I would not notice. We don't get into that. We don't use rank on any prisoner. They are told when they arrive that they have no rank in this facility. He is a [REDACTED]. (So he is referred to as [REDACTED])

[REDACTED] claims about guards taking attorney/client information is false. The prisoners all have a clear box in their cells that they like to store legal paperwork in. They also like to store contraband in that box. We don't read them, we look for contraband.

[REDACTED] was working as a PMD member when there was an incident with [REDACTED]. If a prisoner gets a bit out of line, he can be sent to his cell for a 30 minute cool down period, and the Command Duty Officer can increase that to 60 minutes. We don't have "solitary confinement" at the Brig.

[REDACTED] had used a somewhat unconventional way to make prisoners ask for their cells to be opened, and [REDACTED] was corrected on this

The allegations about making prisoners stop and start while marching to and from appointments was not meant to harass them. It was the result of the prisoners violating the no-talking rules. They would try to talk or make noises, and the guards would stop them until they quit. The new rule book did away with "marching" and now they just walk.

Whether the prisoners get outdoor recreation time, this is based on the weather, and if recreation is inside or outside, this is a call made by the Command Duty Officer, not the individual guards or even the set.

As to the indoor heat, the prisoners are allowed to de-blouse if the temperature reaches 85 degrees. This rule was followed. There was a "Code Blue," which is a medical emergency, when it was hot in the cells, but this was related to a prisoner [REDACTED], not to the heat.

[REDACTED] is not being truthful in his affidavit. He never reported an assault, and if he did there would have been video. When his PTSD journal was seized it was because he had written in it the social security number, the mother's maiden name, the phone number and address of another prisoner. This is not allowed by the rules.

[REDACTED] got in trouble for passing notes to a female prisoner [REDACTED]. This was against the rules.

A prisoner can get administrative segregation when they get caught breaking rules, and then after a Discipline Review Board, a prisoner can get disciplinary segregation. These prisoners go to Kilo East and they are allowed fewer privileges, out of cell time is limited, TV time is revoked, but they get a "sunshine call" (they are allowed to go outside for an hour) in a separated yard area.



The procedure for prisoners who have a no-standing chit, are supposed to tell the guards they have a chit, and then the chit is inspected by the guards to ensure it is valid. Then the guards follow the chit.

Every prisoner is subject to search. If a prisoner does something suspicious or odd, they generally are frisked.

I believe the senior people were searched coming off the mess decks because they were improperly grouping together. Prisoners take things from the mess decks, usually food. I am aware they complained to the CDO that day, but the PMD probably searched their cells that day. That would seem appropriate.

- End -

**DEPARTMENT OF THE NAVY  
SPECIAL COURT-MARTIAL  
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CENTRAL JUDICIAL CIRCUIT**

**UNITED STATES**

**v.**

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1. I, [REDACTED] am currently on active duty. I am stationed onboard [REDACTED]. I have been on active duty since [REDACTED] 2015.

2. I was held in pretrial confinement in Naval Consolidated Brig Chesapeake from 19 December 2015, to 16 August 2016, when I was released following my trial. I was charged with 2 specifications of aggravated assault and 2 specifications of disobeying a lawful order. I was acquitted of all charges except disobeying a lawful order by failing to register my firearm when I moved into [REDACTED] military housing. I did not even know that order existed until I got my charge sheet sometime in January 2016, after I was already in the brig. I was sentenced to no additional punishment other than that conviction. The U.S Navy has retained me on active duty.

3. **Goon Squad Treatment.** When I was in pretrial confinement at Naval Consolidated Brig Chesapeake, there was a group of guards known for harassing and mistreating prisoners. We called them the Goon Squad. The Goon Squad including [REDACTED]. A couple of months after I was put into pretrial confinement we came up with the name because they were malicious and made being in confinement harder than it had to be. Some days they made it unbearable for no reason at all. The Goon Squad mistreated us in several different ways, mainly consistent harassment for no reason, second "cell tosses" where they stole valuable attorney client privileged information from me, third, punishment with solitary confinement for little to no reason. Fourth, exposure to subfreezing temperatures without adequate clothing. Fifth, failure to resolve the injustices of which we notified the staff.

4. **Harassment.** When I was asleep and [REDACTED] would randomly knock on my cell and call me "tar baby" while I was sleeping. I knew and understood "tar baby" to be a racial slur. [REDACTED] would pull me out of line for no reason and stare me down. I had 4-5 staff members surrounding me, yelling at me like I did something wrong when I had not done anything wrong. They did it to humiliate me in front of the other pretrial detainees and prisoners. This was the only crew that called us "prisoner" even though we were pretrial. This was to belittle us. All the other staff called us by our last name. The Goon Squad called us prisoner in a demeaning way to belittle us and provoke us.

5. One night after TAPS, while I was up brushing my teeth, someone screamed. The guard patrolling was a Goon Squad member. He accused me of screaming and said "I saw you do it."

ENCLOSURE (6)

But I did not scream. I told him it wasn't me, and he started yelling and cussing at me, saying, "I don't give a fuck! I seen you do this shit!". It was the week before I got released. He wrote me up that night for screaming even though he falsely accused me, and then he spread the story through the brig. The next day, other staff members would come up to me and ask why I screamed. It really upset me to be falsely accused like that.

6. Once, after chow, [REDACTED] randomly frisked me and very inappropriately touched my private parts. It was not an accident. I was in that brig for months and no one else ever did that to me. Later, I heard other prisoners complaining that [REDACTED] had done this to them too. I was not expecting it, and he made me feel very uncomfortable. It was not necessary at all. I never complained about it at the time because it was degrading to me to have that happen, and I just wanted to keep it to myself. I just vowed to myself I wouldn't let it happen again. I didn't learn until about two weeks later that he had done it to others too. I think someone complained, because they stopped him from doing frisks and strip searches..

7. [REDACTED] and [REDACTED] would frisk over aggressively, but they never touched my private parts like [REDACTED] did. But when they frisked, they were very rough with us. They would do this to piss you off. When they hear you breathe hard or tense up, they would taunt you and try to provoke you, and then start the frisk over again. They would do something to get a response out of you to send you to Kilo.

8. [REDACTED]: Being escorted from recreational call from outside to Juliet. "Stop walk, stop walk, halt, walk." He would laugh and mock prisoners and say we could do this all day. He did this just to mess with us. I felt like he was trying to provoke you to get you sent to Kilo or some type of punishment. He would mock and laugh and we felt like we couldn't do anything about it. He targeted [REDACTED] most. I think [REDACTED] may have put in a complaint about this.

9. [REDACTED]: Standing in line after chow. Randomly come in peoples face and say, "You have something to say? Wanta do something about it?" He would provoke us and intimidate us by doing this. If a prisoner even smirked, he would get in their face and provoke them. "You think this is funny?" He would do this kind of stuff just to get a reaction out of you.

10. When I had a DRB with [REDACTED] I had a chief staff member testify on my behalf saying he provoked and harassed me and it wasn't my fault. When I was in the cell he arbitrarily ordered me to "stand up, sit down, parade rest, stand up." Repeatedly. If I got tired and stopped responding to him, he would say to me, "Oh you don't want to listen." and wrote up more punishment for that. He would provoke me to the point where he could get a reaction to get me in trouble.

11. I asked for sunshine call one day. They took everybody out and I asked when is sunshine call and they ignored me until the sun went down. They took me out to this one area the moon was out and it was cold and I never got it during the day. For no reason. That was about 2 to 3 weeks after I arrived at the brig.

12. **Cell Tosses.** Cell search when staff members would escort you out of your cell and search for contraband. The rule book states it will be left as neat as possible. Anytime the Goon Squad searched, it was totally trashed, not neat. Other crews would try to make it as neat as possible. African American prisoners were targeted way more than others. The only Caucasian one they would harass with cell tosses was [REDACTED]. When he was there they tossed his cell nearly

every chance they got, and they would frisk him all the time for no reason. In February, they searched my cell and I had a hand made calendar and it disappeared from my cell following their search. I didn't complain about that at the time. But then I had papers listed as "Attorney-Client Privilege," and they went missing after they tossed my cell. I was worried that would hurt my case. It had important documents about my trial. I did complain then. They denied stealing it. When I continued to pursue getting my attorney-client information back, I was accused of lying about the staff members and threatened with being sent to solitary. They also took my family members' phone numbers. I wasn't able to contact those people until I was released from the brig, which was months later, because this happened around May/June timeframe. They threatened me with Kilo time after I kept pursuing the issues. They said they did an investigation and they couldn't see any papers missing. The cell tosses were not random. Certain staff members like [redacted] and [redacted], would choose the same people over and over again to search their cell after chow. If it's random you would get searched maybe once a week. Some Caucasian prisoners wouldn't get searched for multiple weeks. There were times I got my cell tossed three times in one day. Sometimes seven times in a week. That was all the Goon Squad. No other group of guards ever searched my cell abusively or targeted African-Americans and [redacted]. I felt like the Goon Squad used cell tosses to retaliate for complaints and just to pick on me.

13. **Kilo Dorm Confinement.** I was placed in solitary twice. The first time I was coming back from court and requested to have my cell block opened. I reported as usual. [redacted] said, "Report." I did. He said, "What did you say?". He made me report 4 straight times. When we report, we have to say our prisoner number and we are requesting permission to do whatever. The same way we report all the time. He obviously heard me, but he continued to tell me to report, and his tone of voice was sarcastic. After every time I would report, he would sarcastically say, "Good. Now report." I have now reported nine times, and it's clear he's harassing me. I stopped reporting and said "Huh I can't hear you". He got out of control and told me to stand at parade rest. [redacted] came and told me to report again and reported several times. Finally I was escorted in Juliet dorm. I was put into Kilo for staff disrespect.

14. [redacted] flat out lied to get me in trouble. He reported that I was cursing, yelling, and calling him boy. I told my side of the story and [redacted] was there. I asked him was I wrong and did [redacted] provoke me. He said yes and they sent me to Kilo. In addition I was assigned extra duties (which is two hours of cleaning during rec call). Because of this, I didn't get to go outside for seven days..

15. Kilo dorm you're in your cell 23 ½ hours a day. You don't go out for anything except for sunshine and shower calls. No radio. Sit in the cell with nothing to do. You have nothing to write with. You just sit down all day with the lights on. It's really mental torture. Can't lay down during the workday. Sitting and standing. Guards would do their 15 minute checks. [redacted] would harass a lot of prisoners. When I was down there he focused more on other prisoners than me.

16. The second time there was an incident with [redacted]. Confinees who wanted to go back to their cell had to call out their cell number to be let back in. I needed to go back to my cell, and respectfully called out my cell number like we were supposed to. He ignored me. I continued to call my cell number a couple more times respectfully. The first three or four times, I thought maybe he didn't hear me, but by the fourth time, it was obvious he heard me. I continued to call it out respectfully. People were walking up next to me and calling out their

numbers, and he was responsive. But he kept ignoring me for no reason. He opened [redacted] cell a few down from mine when [redacted] called out his number. He called me to the desk and said, "You think you don't have to say 'please.'" His tone of voice was sarcastic. I responded that I was not required to say please. In fact, no one else was saying please, and had ever been required to say please. I started to walk back to my cell. He said, "We are going to try this again". I asked for the CDO to rectify the situation. [redacted] started yelling at me. He was yelling "I'm not your door man!". He told me to pack my stuff. I was still asking for the CDO. Before I went I asked why am I going to Kilo he said "because you didn't say please" At DRB he said that I was being loud and abrasive screaming, prisoner was not respectful. [redacted] testified for me at my DRB. They ignored me and [redacted] I was in Kilo for 5 or 6 days and I was given extra duties. No rec call or outside for 14 days.

17. **Subfreezing Exposure.** Rules and Regs state that no one should be outside 40 degrees or below. The other crews had us in during those temperatures. We would be outside with sub 40 below with the Goon Squad only. I personally didn't have a hats, no sweatshirts. We would only be wearing Regular PT Shorts and shirts. I was freezing. I wasn't allowed to have hands in my pockets. I put in complaints verbally. I was told to mind my business and it dint' have anything to do with it. We were sent out there at least 7 times like that by the Goon Squad and only by the Goon Squad. I got there in December and it lasted until March.

18. **Failure to rectify** I didn't really put in complaints that often. I usually talked to my counselor. Others put in well over a dozen complaints against the Goon Squad. Nothing was ever done. Back in June when the IG's came the pretrial and post-trial talked to them about their complaints. I brought up the Goon Squad. It seemed like I wasn't the first one. The next week, they disbursed the Goon Squad into other guard crews. While I was there, staff members would tell me, "Do you think 5-10's work, they don't work." Basically they were telling us that our word doesn't mean anything. [redacted] asked did I think the staff would tell the truth. That tells me that he felt the staff did not have any integrity. My second time in Kilo, the CDO said that he talked to the prisoners and they said it was because I didn't say please, but the staff said something different.

19. Within 10 minutes of me arriving at the brig, the CDO told me "We have [redacted] here that haven't been in service that long. So they don't know how to be respectful in dealing with things . . . My best advice is that I will always side with the staff." Or words to that effect. We were constantly reminded that our complaints didn't mean anything.

20. One time when I was in Kilo, the CDO said "At your DRB board don't say anything, there's no point they are not going to believe you." Or words to that effect. That's why I decided to go forward with the Article 13.

21. After my DRB with the incident involving [redacted] he started targeting me more. He never stopped because my complaints were not taken seriously and the results always favored the staff. My complaints and the complaints of others were submitted and nothing was done to correct the treatment by the guards.

22. **Medical Issue.** While at the brig, I was cleaning a steel beam and hit my elbow against it. I told medical and they said they would schedule an x-ray. It was the brig's responsibility to schedule and my command's responsibility to take me. The brig scheduled it two and a half months later after they said they forgot. When they did my command never showed up to pick

me up. The appointment then was canceled and I had to get the brig to set it up again. The only reason my command showed up at that point to take me was after [REDACTED] called to complain that they were ignoring this issue. When I was finally seen, the senior medical guy, a chief, said "you were supposed to have been gone to get your x-ray two months ago." Now, my elbow randomly locks up to where I have to play with it and move the bone around. It turned out that I had fractured my elbow. I got the x-ray done. I have a chipped bone. I didn't get the treatment I needed in time because my command didn't visit me like they were supposed to and the brig didn't schedule it immediately.

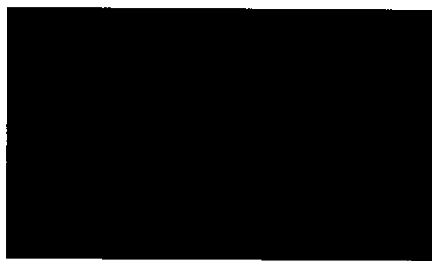
23. **Command Visits.** My command failed to visit me as they were supposed to. They didn't visit me for medical or anything like they were supposed to. I would talk to my counselor and ask how often my command was supposed to visit me. Sometimes they would come every 3 weeks. My counselor was my only communication to my command. There was times where I would ask for information from my command. My counselor would call and email but would be ignored. My command only visited me about 10-11 times out of 8 months I was there. I was dressed as an E-1 while going to court. I had to find out about my promotion to E-2 on my own, they never told me. It was my command's responsibility to keep me updated on my advancement. I chose to go to trial dressed as an E-1 rather than delay the proceedings to get an E-2 uniform because I didn't want to be forced to spend one extra day in the brig just because my command wouldn't get me the right uniform. But I would rather have gone to trial wearing the right uniform.

24. **How this is affecting me now.** Since being out of the brig my life has been overwhelming and a hard. I have been talking to a psychologist about PTSD, anxiety, and depression. I have nightmares about being awakened by [REDACTED] and being called "tar baby". I even had these dreams while I was in the brig, but I didn't expect to have them once I was released. While I was in the brig I talked to a psychologist about my nightmares and anxiety. I would have a lot of anxiety the day before the Goon Squad came on duty. I would get little to no sleep.

25. Now, I don't sleep well even to this day. I have nightmares about my time in the brig. I am trying very hard to fit in with the military and make the most of each day but because I was mistreated at the brig it is making it very hard for me to want to stay in the military any longer. When I joined the Navy I felt like it was a great organization. Now, I've lost a lot of respect for the Navy and the Marine Corps based on the way these guards treated me. I still love my country but this has been very hard.

26. When I see a Marine, my anxiety spikes up and I get nervous and I start remembering the individuals who abused me. This is very stressful. I can see having anxiety while being in jail, but coming out of jail I still feel the effects. It makes my life much harder than it has to be. I have prescribed medicine by a psychologist and a doctor for these issues, including my nightmares.

27. I hope that this never happens to anyone else. I worry that me coming forward about this could mean someone will retaliate against me. I believe that it's worth the risk. I hope by speaking out it will help other prisoners and make their time more bearable than my experience.



**PRISONER REQUEST**  
(See Privacy Act Statement)

TRACKING NUMBER (If applicable)

161056

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

**PRINCIPAL PURPOSE(S):** Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview.

**ROUTINE USE(S):** Information may be disclosed to local, state, and federal law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders. The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

**DISCLOSURE:** Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO

CO

2. DATE (YYYYMMDD)

20160523

**SECTION I - NATURE OF REQUEST**

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST ☐ INTERVIEW ☒ GRIEVANCE ☐ OTHER

3.b. REMARKS (Explain request)

DURING CELL SEARCHS ON MAY 22, BREAKFAST TIME. BANK CHECKS WAS REMOVED FROM MY CELL I UNDERSTAND WERE NOT SUPPOSE TO HAVE THEM, MAIL STAFF GAVE THEM TO ME. THE CDO AND I DISCUSSED THE MATTER AND CAME TO AN UNDERSTANDING THAT IT WAS THE STAFFS MISTAKE. SEVERAL HOURS LATER I REALIZED A PAPER WITH IMPORTANT PHONE NUMBERS IS MISSING FROM MY CELL. I NOTIFIED THE CDO, BUT UNFORTUNATELY THE CDO FROM THE NIGHT HAD ALREADY COME ON. I NEEDED TO KNOW WHERE EXACTLY HAVE THEY PLACED MY CHECKS. ALL REQUEST A SENIOR MEMBER TO...

4. PRISONER'S NAME (Last, First, Middle Initial)

5. REGISTRATION NUMBER

6. BRANCH OF SERVICE

JSN

**SECTION II - FACILITY USE ONLY**

8.a. FORWARDED TO (Printed Name, Grade, and Organization)

8.b. DATE (YYYYMMDD)

20160523

9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)

9.b. DATE (YYYYMMDD)

20160524

10. REMARKS

CHP WAS SHOWN THE EVIDENCE THAT WAS TAKEN INTO CUSTODY AND THAT NO SLIP OF PAPER WAS TAKEN INTO CUSTODY. STAFF MEMBERS IN QUESTION WERE NOT AVAILABLE AT THE TIME OF THIS INTERVIEW. MORE TO FOLLOW (ACCOMMODATION)

- You + [redacted] were previously briefed by [redacted] on or about 24 MAY 2016 regarding the [redacted]

**SECTION III - ACKNOWLEDGEMENT BY PRISONER**

13. DATE (YYYYMMDD)

20160526

16. DATE (YYYYMMDD)

20160526

ENCLOSURE (7) Adobe Professional X



PRISONER REQUEST (See Privacy Act Statement)		TRACKING NUMBER (If applicable) 1601056
<b>PRIVACY ACT STATEMENT</b> <b>AUTHORITY:</b> Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority. <b>PRINCIPAL PURPOSE(S):</b> Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview. <b>ROUTINE USE(S):</b> Information may be disclosed to local, state, and federal law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders. The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system. <b>DISCLOSURE:</b> Voluntary. However, failure to provide the requested information may result in the denial of the request.		
1. TO CO	2. DATE (YYYYMMDD) 20160523	
<b>SECTION I - NATURE OF REQUEST</b> Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).		
3.a. TYPE OF REQUEST <input type="checkbox"/> INTERVIEW <input checked="" type="checkbox"/> GRIEVANCE <input type="checkbox"/> OTHER		
3.b. REMARKS (Explain request) ACCOMPANY THE GUARDS DURING CELL SEARCHS. THIS IS THE SECOND TIME I HAVE REALIZED SOMETHING WAS MISSING AFTER [REDACTED] CREW HAD SEARCHED MY CELL I REQUESTED THE NAMES OF THE STAFF MEMBERS WHO DID THE SEARCH SO I CAN PROPERLY REPORT THEM, IN ADDITION TO ASKED THEM DID THEY REMOVE IT. CDO RESPONSE "DO YOU REALLY THINK, THAT THEY WOULD SAY 'YES' IF THEY DID?" THAT TELLS ME EVEN YOUR STAFF KNOWS THERE'S NO INTEGRITY		
4. PRISONER'S NAME (Last, First, Middle Initial) [REDACTED]	5. REGISTRATION NUMBER [REDACTED]	6. BRANCH OF SERVICE USN
7. [REDACTED]		
FACILITY USE ONLY		
8.a. FORWARDED TO (Printed Name, Grade, and Organization)		8.b. DATE (YYYYMMDD)
9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)		9.b. DATE (YYYYMMDD)
10. REMARKS location of your checks, which have been collected as evidence. SUSP BREKED ON DROPPING A DDGO TO ST 10T MAIL THE CHECKS OUT OR DESTROY THEM.		
<b>SECTION III. ACKNOWLEDGEMENT BY PRISONER</b>		
[REDACTED]		13. DATE (YYYYMMDD) 20160606
[REDACTED]		16. DATE (YYYYMMDD) 20160606

IN SOME STAFF MEMBERS. ALSO I NEED MY PAPER W/ PRINTER'S RETURNED

<b>CORRECTIONAL FACILITY CONTINUATION SHEET</b>	<b>REPORT DATE (YYYYMMDD)</b> 20160602
<b>1. TITLE OF FORM</b> COMPLAINT	<b>2. DD FORM</b> 510
<b>3. PRISONERS NAME (Last, First, Middle)</b> <div style="background-color: black; width: 250px; height: 20px; margin-top: 5px;"></div>	<b>4. REGISTRATION NUMBER</b> <div style="background-color: black; width: 50px; height: 20px; margin-top: 5px;"></div>

You were previously briefed by [REDACTED] on or about 24 May 2016 that your checks have been logged as evidence. As such they remain in the custody of the Command Investigator. [REDACTED] Upon adjudication of your case, you may submit a DD-510 request to your Unit Team to retrieve your checks for mailing to a third party or destruction.

I have no record of a paper of with phone numbers being collected during your cell search.

This matter is closed.

Commanding Officer

NAVCONBRIG CHESAPEAKE

Witness Statement Summary  
From interviews 18-20 October 2016

[REDACTED]

I have been in the Marine Corps for two and a half years. The Navy Consolidated Brig Chesapeake is my first duty station. I have been here about two years. My military occupational specialty (MOS) is brig guard.

The Brig leader for the Sets is the Command Duty Officer, which is usually a chief or a first class. Then the Operations or Ops have a Watch Supervisor and we are in Ops or in Prison Management Department (PMD). PMD makes sure the prisoners are fed among other things. During recreation time, the Ops and PMD all work supervision of the prisoners.

When the incident with [REDACTED] occurred, [REDACTED] was the Watch Supervisor. [REDACTED] is one of the model prisoners in here. On the day of the incident with [REDACTED] he was standing by his cell, repeatedly yelling out "52, 52." He was being disrespectful. I called him over, and it continued. The dorm supervisor and the CDO eventually got involved. Originally we were going to put him cool down (in his own cell), but it was decided he needed to go to Kilo East. I did not say, "I'm not your fucking door boy," to [REDACTED]. I did say "fuck" though, in frustration with him as he became more disrespectful. All of the facts were talked about at [REDACTED] Disciplinary Review Board (DRB). After the DRB, I was corrected by [REDACTED] USMC. He told me not to have the prisoners say "please" and to just "pop their cell" when they give you the number (and it is the correct cell for the prisoner.) He told me don't yell.

If a prisoner is not supposed to stand, we follow the rules.

We search cells every day. There are four listed every day for search. But prisoners and cells are always subject to search.

The races of the prisoners do not have anything to do with how we do our jobs.

Making prisoner start and stop walking happened when the prisoners started acting up in line. We told them to be quiet and held up until they did, etc. There was a period of time that prisoners decided they would hum all day. [REDACTED] went to each dorm to discuss this with them so they would stop it.

I do not brag when I give a prisoner a "negative stroke." (This is a mark in the "hard card" record of the prisoner for misbehavior.)

- End -

ENCLOSURE (9)

Witness Statement Summary  
From interviews during week of 18-20 October 2016

[REDACTED]

I serve as the [REDACTED] at Naval Consolidated Brig Chesapeake.

I was on the Disciplinary Review Board (DRB) that heard the case of [REDACTED]. [REDACTED] did testify at the DRB hearing. There was no one on the board that told or suggested to [REDACTED] that he should only tell us facts that favored [REDACTED] story. [REDACTED] testified that [REDACTED] wanted his room open and that he was clapping his hands to get [REDACTED] to open the cell door. We listened to all of what [REDACTED] had to say.

After hearing all of the behavior by [REDACTED] we awarded a punishment for disciplinary segregation of 14 days and reduction of incentive level for staff disrespect and disobeying an order.

It was determined that [REDACTED] had on his own changed the procedure for the prisoners to re-enter their cells by having them sound off their name, cell number and ask "please." He did this on his own, and the upper staff was not aware he was doing this. Regardless of this slight change in the way the prisoners were to enter their cell; [REDACTED] was still responsible for his own actions.

[REDACTED] recommended that the disciplinary segregation time should be lowered to 14 days extra duty and reduction in incentive level because of the change in procedure by [REDACTED] contributed to the prisoner's mistake, but that prisoner was still in the wrong. [REDACTED] told [REDACTED] to go back to the regular way of opening the cell and not make up any additional requirements.)

It is true that prisoners cannot receive books except directly from vendors or from the Brig library because if they get them from outside, they can contain all kinds of contraband.

- End -

ENCLOSURE (10)

Witness Statement Summary  
From interviews during week of 18-20 October 2016

[REDACTED]

I served as the [REDACTED] at Naval Consolidated Brig  
Chesapeake.

I am familiar with Set 1 (the guards mostly listed as the "goon squad" in the prisoner affidavits). Some of the Marines at the Brig are pretty young. Some have some maturity issues. The Marine guards can be more direct. I have not witnessed inappropriate actions by these guards.

I was on the Disciplinary Review Board (DRB) for [REDACTED] for an incident with [REDACTED]. [REDACTED] did testify at the DRB. [REDACTED] was not told to give only favorable testimony for the guards.

I am aware that [REDACTED] was at DRB two or three times. (A review of the records shows two and he as on both DRBs. See enclosure (15)).

- End -

**ENCLOSURE (11)**

Witness Statement Summary  
From interviews during week of 18-20 October 2016

[REDACTED]

I work at Naval Consolidated Brig Chesapeake as [REDACTED]  
[REDACTED]

I was on the Disciplinary Review Board (DRB) that heard a DRB case against [REDACTED]. I remember [REDACTED] appearing before the board. Nobody on the DRB told or suggested to [REDACTED] to give testimony favorable to the guard.

- End -

ENCLOSURE (12)

PRISONER DISCIPLINARY REPORT/ACTION				REPORT DATE (YYYYMMDD) 20160605	
<b>1. PRISONER</b>					
a. NAME (Last, First, Middle) [REDACTED]			b. REGISTRATION NUMBER [REDACTED]		
2. CUSTODY LEVEL MDI	3. HOUSING UNIT/DORM J-EAST	4. CELL BLOCK N/A	5. DETAIL LAUNDRY	6. CELL #/BUNK # [REDACTED]	
<b>7. INCIDENT</b>					
a. RULES VIOLATION CAT IV OFFENSE- STAFF DISRESPECT / CAT IV OFFENSE- UCMJ ARTICLE 92 FAILURE TO OBEY ORDER.					
b. DATE (YYYYMMDD) 20160605		c. TIME 1509		d. LOCATION J-EAST DORM	
e. DETAILS OF CHARGE(S) (Include evidence (if any), use of force, list staff witness(es), and action taken.) SIR, ON THE ABOVE DATE AND TIME WHILE PERFORMING MY DUTIES AS J-EAST SUPERVISOR I, [REDACTED] HEARD [REDACTED] ABRASIVELY SHOUTING HIS CELL NUMBER AT ME TO OPEN HIS CELL. I CALLED SNP TO MY DESK WHERE I EXPLAINED THAT HE NEEDED MORE TACT WHEN REQUESTING HIS CELL TO BE OPENED. SNP THEN TURNED AND WALKED AWAY SAYING "I SHOULDN'T HAVE TO ASK. I SHOULD JUST HAVE TO CLAP MY HANDS AND YOU OPEN MY CELL." THEN SNP CLAPPED HIS HANDS AND SAID MOCKINGLY SAID "OPEN MY CELL." I ASKED HIM WHAT HE SAID THEN HE BEGAN TO TELL ME THAT HE SHOULDN'T HAVE TO ASK NICELY FOR HIS CELL TO BE OPENED.					
<b>8. INCIDENT REPORTED BY</b>					
a. NAME (Last, First, Middle) [REDACTED]		b. GRADE [REDACTED]	c. TITLE [REDACTED]	e. DATE (YYYYMMDD) 20160605	f. TIME 1715
<b>9. INCIDENT REPORTED TO</b>					
[REDACTED]			b. DATE (YYYYMMDD) 20160605	c. TIME 1715	
g. DISPOSITION TAKEN: SNP WAS NOTIFIED OF CHARGES.					
<b>10.a. WAS IMMEDIATE MEDICAL ATTENTION NEEDED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
			b. DATE (YYYYMMDD)	c. TIME	
d. DESCRIBE ANY MEDICAL ATTENTION GIVEN: N/A					
<b>11. INVESTIGATION REQUIRED?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
<b>12.a. ADVISEMENT OF RIGHTS GIVEN?</b> (If yes, attach original rights acknowledgment form) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
b. PRISONER WAIVED RIGHTS? (If yes, see attachment) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
c. PRISONER STATEMENT (If yes, attach statement) <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A					
<b>13.a. INVESTIGATIVE SUMMARY?</b> YES (Please attach copy of report) <input type="checkbox"/> NO <input type="checkbox"/>					
b. BRIEF SYNOPSIS: SNP asked for a lawyer and call w/ SNP and Lawyer will take place @ 1100 20160605.					
c. NAME AND TITLE OF INVESTIGATOR [REDACTED]				e. DATE (YYYYMMDD) 20160607	

## REPORT DATE (YYYYMMDD)

20160605

1. TITLE OF FORM

CONTINUATION OF [REDACTED] DR

2. DD FORM

2714/ DR

3. PRISONERS NAME (Last, First, Middle)

4. REGISTRATION NUMBER

TO BE OPENED. I EXPLAINED THAT I WOULDN'T ARGUE WITH HIM OVER THE MATTER AND PLACED SNP IN A COOLDOWN. SNP THEN BEGAN TO ARGUE ABOUT BEING PLACED IN A COOLDOWN PERIOD ASKING WHERE IN THE RULES AND REGULATIONS THAT WAS STATED. I TOLD SNP THAT IT WAS IN THE RULES. SNP TURNED AND BEGAN TO SHOUT "53" REPEATEDLY. I THEN CONTACTED THE CDO AND TOLD SNP THAT HE WOULD NO LONGER BE IN A COOLDOWN BUT WOULD BE PLACED ON REPORT. I EXPLAINED TO HIM AGAIN TELLING HIM THAT THE RULES CLEARLY STATE THAT YOU ARE TO FOLLOW THE LAST ORDER GIVEN-----EOS.



# PRISONER DISCIPLINARY REPORT/ACTION

## 15.a. INITIAL REVIEWING AUTHORITY DISPOSITION

FORWARDED TO A HATER DTA BOARD

## b. INITIAL REVIEWING AUTHORITY NAME, GRADE AND TITLE

d. DATE (YYYYMMDD)

20160609

## 16. RESULTS OF DISCIPLINARY AND ADJUSTMENT BOARD

a. FINDINGS: ☒ PRISONER DID COMMIT THE OFFENSE REPORTED

FINDINGS ARE BASED ON THE FOLLOWING:

Report as written

Board -

NOTE: appeared as a party witness.

b. RECOMMENDATION OF DISCIPLINARY AND ADJUSTMENT BOARD

- 14 days

- Reduce Incentive level

USM article 92 Failure to obey order (Disobedience CAT III)

c. APPEAL RIGHTS EXPLAINED TO PRISONER:

YES

NO

f. DATE (YYYYMMDD)

160609

## 17.a. RECOMMENDATION OF THE REVIEWING OFFICER

AFTER RECEIVING BOARD CHAIR'S DECISION, DO NOT CONCUR w/ RECOMMENDATION. PRISONER'S PUNISHMENT WAS INDUCED BY STAFF'S MISTAKE, BUT STILL IN THE WORK. RECOMMEND PRISONER'S INAPPROPRIATE CONDUCT BE CORRECTED BY 14 DAYS EXTRA DUTY, AND UNDESIRABLE ACTION OF PRISONER TO INCREASE LEVEL TO 20 (D)

b. NAME AND TITLE OF REVIEWING OFFICER

d. DATE (YYYYMMDD)

20160609

## 18.a. ACTION TAKEN BY THE APPROVING AUTHORITY

- 14 days Extra duty.

- Reduction to Incentive Level 20

b. NAME AND TITLE OF APPROVING OFFICER

SIGNATURE

d. DATE (YYYYMMDD)

2016 06 09

## 19.a. ACTION TAKEN BY THE APPEAL AUTHORITY

b. NAME AND TITLE OF APPEAL AUTHORITY

c. SIGNATURE

d. DATE (YYYYMMDD)

CONTINUATION SHEET		REPORT DATE (YYYYMMDD) 20160605
1. TITLE OF FORM INMATE DISCIPLINARY REPORT		2. DD FORM DD FORM 2714, MAR 2013
3. INMATE'S NAME (Last, First, Middle) [REDACTED]	4. SSN N/A	5. ID NUMBER [REDACTED]
<p>11.a. INVESTIGATIVE SUMMARY</p> <p>From: [REDACTED] Command Investigator</p> <p>To: Commanding Officer, NAVCONBRIG CHESAPEAKE</p> <p>Subj: REPORT OF INVESTIGATION ON [REDACTED]</p> <p>Encl: (1) Disciplinary Report            (2) Military Suspects Acknowledgment and Waiver of Rights            (3) Advisement of Hearing Rights Acknowledgment and 24 hr Notification            (4) Prisoner Hard Card Information Sheet            (5) Sentence Computation</p> <p>Case Control Number: 2016- 124</p> <p>Charge: STAFF DISRESPECT AND ARTICLE 92 (FAILURE TO OBEY ORDER (CAT IV)</p> <p>COMPLAINANT: [REDACTED]</p> <p>SYNOPSIS: [REDACTED] received a disciplinary report for STAFF DISRESPECT AND ARTICLE 92 (FAILURE TO OBEY ORDER (CAT IV) on 20160605. During the course of duties his [REDACTED] reported that [REDACTED] was yelling and shouting for his cell to be opened. When SNP's was instructed to come to the desk he was sarcastic and rude. Making states like "I shouldn't have to ask, I should just have to clap my hands and you open my cell" and that he shouldn't have to be nice about it. SNP was told that he was going to be put in his cell for a cool down and SNP began demanding where it stated that a cool down was authorized. Once SNP was dismissed he then walked away shouting his cell number and carrying on in a loud and disruptive manner. That is when the CDO was called.</p> <p>SUSPECT INTERVIEW: [REDACTED] was advised of his right on 20160607. SNP stated that he wanted his lawyer present at the interview. The interview was terminated at that time and arrangements for a call with his lawyer were made for 0900 on 20160608.</p> <p>DISCIPLINARY ACTIONS: 20160427: MAJOR - DISRESPECT (CAT IV) AND DAMAGING OR DESTROYING PROPERTY (CAT III) - 7 DAYS EXTRA DUTY.</p> <p>INCENTIVE LEVEL: 1</p> <p>INVESTIGATIONS COMMENTS: SNP did indicate on his Advisement of hearing rights acknowledgment that he wants to attend the board. Recommend charges be forwarded to a Major.</p> <div style="background-color: black; width: 200px; height: 80px; margin-left: auto; margin-right: auto;"></div>		

DEPARTMENT OF THE NAVY  
MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NAVCONBRIG CHESAPEAKE

20160607

I, [REDACTED]

have been advised by [REDACTED]

that I am suspected of DISRESPECT AND ART. 92 FAILURE TO OBEY  
ORDER. (CAT. II)

I have also been advised that:

- 1) I have the right to remain silent and make no statement at all;
- 2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- 4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- 5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With this understanding, I have decided that I do not desire to retain a lawyer. I do not desire to consult with a retained or appointed lawyer. I do not desire to have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: [REDACTED]

Date & Time: 20160607 1005

Witnessed: COMMAND INVESTIGATOR-NAVCONBRIG

Date & Time: 20160609 1705

At this time, I, [REDACTED] desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me. [REDACTED] VOLUNTARY WILL MAKE A VERBAL STATEMENT [REDACTED]

ADVISEMENT OF HEARING RIGHTS ACKNOWLEDGMENT

I am accused of violating Brig rules and regulations and may appear before the Discipline and Adjustment (D&A) Board, which is authorized to hear evidence presented by Brig staff and me. If I am found guilty of a violation at the D&A Board hearing, the D&A Board may recommend punishment. I have the following rights concerning the board process/ actions:

1. The right to make no statement at all.
2. Any statement I do make can be used against me in a trial by martial, D&A board, or other judicial or administrative proceeding.
3. To have a written copy of the charge(s) against me at least 24 prior to the hearing. This 24-hour notice is not required if I am led for release from confinement prior to the expiration of the 24-hour
4. I have received a copy of the DR with the initial charges (which is its final review for the final charges). If I request a delay of the I must do so in writing to the board chairperson, fully justifying the
5. The right to request a staff representative to assist me at my Discipline and Adjustment (D&A) Board if I am having difficulty understanding the charges, the process and/or issues involved. I can request an individual from the brig list of approved representatives. The D&A Board chair shall appoint an available there is no right to a specific staff member to assist me. I do not request assistance to prepare for or to assist in comprehension/ expression at the board.

Optional: I prefer assistance from: \_\_\_\_\_ of  
(Name of Staff)

\_\_\_\_\_  
(Dept Div Section)

6. The right to consult with legal counsel before the D&A board. There is no right to a specific legal counsel. The legal counsel is not authorized to be present at the D&A Board nor w contacting the counsel delay the board proceeding as scheduled I DO NOT request consultation with an attorney.

Lawyer name: \_\_\_\_\_ Date: 20/16/14

7. The right to request to review evidence up to 24 hours prior to the board.
8. The right to request merit witnesses and present relevant evidence in my behalf, providing security or good order of the brig is not jeopardized. A merit witness is someone who observed the incident and/or can testify in defense or mitigation of the charges or clarify issues to the board. Merit witness(s) requested:  
\_\_\_\_\_  
\_\_\_\_\_

9. The right to be present during open sessions of the board (unless  
ed for misconduct) and make statements in my defense.
10. The right to waive my appearance at the D&A board. I understand  
the hearing will proceed in my absence and depending on the evidence  
presented at the hearing, I may be found guilty of the charges and punishment  
imposed.
- ☐ I DO wish to appear before the D&A Board  
☐ I DO NOT wish to appear before the D&A board
11. The right to waive the 24-hour waiting period so that I may  
participate in the proceedings on my behalf.

I elect:

- ☐ To waive the 24 hour rule and proceed at the earliest time  
☐ To not be heard before the 24 hours has passed

☐ 12. The right to be informed of the Executive Officer's decision in  
writing.

☐ 13. The right to appeal the decision to the Commanding Officer within  
15 calendar days of receipt of the written summary of the board, if I have  
substantial reason to do so. The Prisoner Rules and Regulations Handbook  
provides further information on the appeal process.

DATE: 20/6/06

NAME (PRINT)

SIGNATURE:

If Prisoner refused to sign:

Staff Name:

Staff Signature:

If waiver to appear is indicated, reviewed by D&A Board Chair / TD/ XO  
(circle one & sign)

If witness(es) denied, board chair documentation & signature: